

THE  
T R I A L

O F

JAMES ANNESLEY

AND

JOSEPH REDDING,

AT THE

House in the OLD-BAILEY,

On *Thursday* the 15th of *July*, 1742.

For the MURDER of

THOMAS EGGLESTONE

L O N D O N :

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MVSEVM  
BRITAN  
NICVM





# THE T R I A L O F

*James Annesley and Joseph Redding.*

**O**N Friday the fourth Day of June 1742, Mr *Annesley* (being brought up by the Keeper of *New-Prison*) and *Joseph Redding* (having surrendered himself to take his Trial, pursuant to Notice given to the Prosecutor's Solicitor) were, upon Application to the Court, in respect of the *Quality* claimed by Mr *Annesley*, set within the Barr.

Proclamation being made for Silence.  
*Clerk of the Arraignment.* *James Annesley*, hold up your Hand, (*which he did*)  
*Joseph Redding*, hold up your Hand, (*which he did*.)

You stand indicted in the County of *Middlesex*, by the Names of *James Annesley*, late of *Staines* in the County of

*Middlesex*, Labourer, and *Joseph Redding*, late of the same, Labourer: For that you not having God before your Eyes, but being moved and seduced by the Instigation of the Devil, on the first Day of *May*, in the fifteenth Year of his present Majesty's Reign, with Force and Arms, at the Parish aforesaid, in the County aforesaid, in, and upon, one *Thomas Egglestone*, in the Peace of God, and our said Lord the King, then and there being, feloniously, wilfully, and of your Malice aforethought, did make an Assault; And that you the said *James Annesley*, with a certain Gun of the Value of five Shillings, then and there, being charged with Powder and Leaden Shot, which Gun you the said *James*, then and there had and

and held in both your Hands to and against the said *Thomas Egglestone*, then and there, feloniously, wilfully, and of your Malice aforethought, did discharge and shoot off; you the said *James Annesley*, then and there, well knowing the said Gun to have been charged as aforesaid; and you the said *James Annesley*, with the leaden Shot aforesaid, then and there discharged and shot out of the said Gun by Force of the Gun-Powder as aforesaid, him the said *Thomas Egglestone*, in and upon the left Side of the Belly of the said *Thomas*, then and there, feloniously, wilfully, and of your Malice aforethought, did strike and penetrate, giving to him the said *Thomas Egglestone*, then and there, with the said leaden Shot so as aforesaid discharged and shot, in and upon the left Side of the Belly of the said *Thomas Egglestone* one mortal Wound, of the Breadth of one Inch, and of the Depth of four Inches, of which said mortal Wound the aforesaid *Thomas Egglestone* then and there instantly died; And that you the said *Joseph Redding*, at the Time of committing of the Felony and Murder aforesaid, feloniously, wilfully, and of your Malice aforethought, was present, aiding, abetting, assisting, comforting and maintaining the said *James Annesley* to kill and murder the aforesaid *Thomas Egglestone* in Form aforesaid; And so you the said *James Annesley* and *Joseph Redding*, him the aforesaid *Thomas Egglestone* in Manner and Form aforesaid, feloniously, wilfully, and of your Malice aforethought, did kill and murder against the Peace of our Lord the King his Crown and Dignity.

How say you *James Annesley*, are you guilty of this Felony and Murder whereof you stand indicted or not guilty.

*Mr Annesley*. My Lord, I observe that I am indicted by the Name of *James Annesley*, Labourer, the lowest Addition my Enemies could possibly make Use of; but tho' I claim to be Earl of *Anglesey*, and a Peer of this Realm, I submit to plead Not guilty to this Indictment, and put myself immediately upon my Country, conscious of my own Innocence, and impatient to be acquitted even of the Imputation of a Crime so unbecoming the Dignity I claim.

*Clerk of the Arraignment*. How say you *Joseph Redding*, are you guilty of this Felony and Murder whereof you stand indicted or not guilty?

*Joseph Redding*. Not guilty.

*Clerk of the Arraignment*. *Culprit*. How will you be tried?

*Joseph Redding*. By God and my Country.

*Clerk of the Arraignment*. *James Annesley*, hold up your Hand.

*Joseph Redding*, hold up your Hand; you stand likewise charged upon the Coroner's Inquisition by the Names of *James Annesley*, late of the Parish of *Stains* in the County of *Middlesex*, Gent. and *Joseph Redding* of the Parish and County aforesaid, Yeoman; for that you on the first Day of *May* in the Year aforesaid, God not having before your Eyes, but being moved and seduced by the Instigation of the Devil, with Force and Arms, at the Parish aforesaid, in the County aforesaid, in and upon *Thomas Egglestone* in the Peace of God and our said Lord the King, then and there being, feloniously, wilfully, and of your Malice aforethought, did make an Assault; and that you the said *James Annesley*, a certain Gun of the Value of 5 s. then and there charged with Gunpowder and small leaden

leadern Shot, at and against the aforesaid *Thomas Egglestone*, feloniously, wilfully, and of your Malice aforethought, did discharge and shoot off; and him the said *Thomas Egglestone* with the said small leadern Shot out of the said Gun, by Force of the said Gunpowder discharged as aforesaid, in and upon the Left-side of the Belly of him the said *Thomas Egglestone*, near the Hip-Bone, then and there feloniously, wilfully, and of your Malice aforethought, did strike, giving unto him the said *Thomas Egglestone*, then and there, with the small Shot aforesaid, so as aforesaid discharged, in and upon the said Left-side of the Belly of him the said *Thomas Egglestone*, near the Hip-Bone, one mortal Wound of the Breadth of two Inches and the Depth of ten Inches, of which said mortal Wound he the said *Thomas Egglestone*, then and there instantly died; and for that you the said *Joseph Redding* at the Time of the Felony and Murder aforesaid, in Form aforesaid done and committed, feloniously, wilfully, and of your Malice aforethought, was present aiding, abetting, assisting, comforting, and maintaining, the said *James Annesley*, him the said *Thomas Egglestone* in Form aforesaid, to kill and murder; and so you the said *James Annesley* and *Joseph Redding*, the said *Thomas Egglestone*, in Manner and Form aforesaid, feloniously, wilfully, and of your Malice aforethought, did kill and murder, against the Peace of our said Lord the King, his Crown and Dignity.

How say you, *James Annesley*, are you guilty of this Felony and Murder, or not guilty?

*James Annesley*. Not guilty.

Clerk of the Arraigns. Culprit, how will you be tried?

*James Annesley*. By God and my Country.

Clerk of the Arraigns. How say you, *Joseph Redding*, are you guilty of the said Felony and Murder, or not guilty?

*Joseph Redding*. Not guilty.

Clerk of the Arraigns. Culprit, how will you be tried?

*Redding*. By God and my Country.

Clerk of the Arraigns. *James Annesley*, hold up your Hand. You stand also indicted in the County of *Middlesex*, by the Name of *James Annesley*, late of the Parish of *Staines*, in the County of *Middlesex*, Labourer; for that you, not regarding the Laws and Statutes of this Realm, nor the Pains and Penalties therein contained, after the first Day of *June* 1723. to wit, the first Day of *May*, in the fifteenth Year of the Reign of our Sovereign Lord *George* the Second now King of *Great-Britain*, &c. with Force and Arms at the Parish aforesaid, in the County aforesaid, with a certain Gun loaded with Gunpowder and leadern Shot, which you in both your Hands, then and there had and held, wilfully, maliciously, and feloniously, did shoot at one *Thomas Egglestone*, against the Form of the Statute in such Case made and provided, and against the Peace of our Lord the King his Crown and Dignity.

How say you, *James Annesley*, are you guilty of this Felony whereof you stand indicted or not guilty?

*James Annesley*. Not guilty.

Clerk of the Arraigns. Culprit, how will you be tried?

*Annesley*. By God and my Country.

Clerk of the Arraigns. God send you a good Deliverance.

The Defendants being thus arraigned, the Court thought the Day too far spent



to proceed to a Trial of so much Expectation, and therefore ordered it to come on the next Morning; but the Counsel for the Prosecutor alledging they could not attend the next Day, and desiring to put off the Trial to this present Sessions, the Court were pleased to indulge them, upon their consenting that the Defendants should be admitted to Bail.

Whereupon Mr *Annesley* was ordered to give four Sureties in 250*l.* each, and *Joseph Redding* four in 50*l.* each; and this being done in Court they were both immediately set at Liberty.

On *Wednesday* the fourteenth Day of *July* 1742, the Prosecutor's Council mov'd that the Trial might come on the next Day, which by Consent of the Defendants Solicitor was ordered accordingly; notwithstanding which, the next Day when the two Defendants had surrendered themselves, and were ready with their Witnesses, the Prosecutor moved to put the Trial off for another Day; but not alledging any sufficient Reason for the Delay, the Court were pleased to direct the Trial to go on.

Accordingly the Defendants were again arraigned and pleaded as at the last Sessions, and there being no Challenges to the Jury,

The following Gentlemen were impannelled and sworn.

The Names of the Jury.

<i>Walter Lee,</i>	<i>Robert Harrop,</i>
<i>John Deschamps,</i>	<i>William Duck,</i>
<i>John Reynolds,</i>	<i>William Boucher,</i>
<i>William Lewis,</i>	<i>Edmund Stowell,</i>
<i>Francis Rawlins,</i>	<i>Thomas Whitehead,</i>
<i>John Sandwich,</i>	<i>Francis Tredgold.</i>

*Crier.* If any one can inform my Lords the King's Justices, &c.

*Clerk of the Arraignment.* *James Annesley,* hold up your Hand.

*Joseph Redding,* hold up your Hand.

You of the Jury look upon the Prisoners and hearken to their Charge.

They stand indicted by the Names of *James Annesley*, late of *Staines* in the County of *Middlesex*, Labourer, and *Joseph Redding* of the same, Labourer; for that they, &c. (as in the Indictments,) and upon these Indictments they have been arraigned, and thereunto pleaded not guilty, and for their Trial have put themselves upon their Country, which Country you are, your Charge is to enquire, &c.

*Mr Brown.* My Lord, and you Gentlemen of the Jury, this is an Indictment for Murder. The Indictment sets forth that *James Annesley* and *Joseph Redding*, did make an Assault with a Gun, on the Body of one *Thomas Egglestone*; and that the Prisoner *Annesley* did discharge the said Gun against the left Side of the said *Thomas Egglestone*, and did make a Wound on the left Side of the Belly of the said *Thomas Egglestone*, of which he instantly died; and that the said *Joseph Redding* was aiding and assisting the said *James Annesley*, to murder the said *Thomas Egglestone*. Gentlemen, if we prove our Charge I hope you will find the Prisoners guilty.

*Mr Serjeant Gapper.* Gentlemen, the Prisoners stand indicted for the Murder of *Thomas Egglestone*; *James Annesley* was the Person who killed the said *Thomas Egglestone*; and *Joseph Redding* he was, aiding, abetting, and assisting in the Murder, and so they are both guilty of Felony and Murder. And, Gentlemen, there is an Act of Parliament, made in the Ninth Year of his late Majesty King *George I.* that

that if any Person does wilfully shoot at another, 'tis Felony without Benefit of Clergy. Gentlemen, the Case is thus. On *Saturday* the First of *May*, *Thomas Egglestone*, the deceased, and his Son, were going to fish, at a Place called the *Moor*, near *Staines*; they had a Casting-Net, and there was a String which belongs to the Net, and this String was about the deceased's right Arm: They were fishing in a Meadow belonging to one *Sylvester*; and as they were fishing towards the North of the Enclosure, the Deceased seeing the Prisoners, stopped, and went back again, and as they were going back again, instantly came up the Prisoner, *Joseph Redding*, and seized the Deceased by the Shoulder, and demanded the Net, but the Deceased cast the Net into the River, which was on his Right-Hand; then came up the other Prisoner, *Annesley*, with a Gun in his Hand, and swore at the Deceased, and said, Damn you surrender, or you are a dead Man; he pointed the Gun immediately towards his Side before a Word of Reply, and shot him, the Force of the Powder drove the Shot and some of the deceased's Coat into his Body; he clapped his Hand to his Side, and said, You Rogue, what have you done? dropped down and died immediately; then *John Egglestone*, the Son, took a Knife out of his Pocket to cut the String of the Net; upon which, the Prisoner *Annesley* turned the butt End of the Gun, and said to him, You Rogue, I will knock your Head off; to avoid which, young *Egglestone* jump'd into the Water, Breast high, and cut the String of the Net, and dragged it to the other Side of the Water, and cried out his Father was murdered. There were three Persons, *Fisher*, *Bettesworth*, and *Bowles*, who

could see what was done; they were on the other Side of the River, about an Hundred and Sixty Yards from the Place where the Accident happened; they heard a Gun fired, and the young Man cry out that his Father was kill'd; and when they came to the River Side, he had just dragg'd the Net out of the River; upon this they crossed over, and found the Man dead, or so bad that he could not live, and thereupon directed the Son to go and fetch Mr *Cole*, a Surgeon at *Staines*; he went accordingly to Mr *Cole*, and desired him to come along with him, for his Father was shot, and he believed he was dead. Why, says Mr *Cole*, if he is dead, it does not signify my coming, I can do him no good; so then the young Man went to Mr *Russel*, a Constable at *Staines*: But I should tell you, Gentlemen, that as soon as the Prisoners saw these three Persons, *Fisher*, *Bettesworth*, and *Bowles*, coming towards the River, they ran away. Afterwards *Russel*, the Constable, and some other Persons coming up, they thought proper to pursue the Murderers: Accordingly they went to a Farm-House where *Annesley* and *Redding* used sometimes to lodge, and there they found *Annesley*, and apprehended him, and sent him to the Round-House at *Staines*; *Redding* could never be found, but he has surrendered himself since, in order to take his Trial. The Prisoner *Annesley* was carried before a Justice of the Peace, I think Sir *Thomas Reynall*, he was carried to *Hounslow*, and from thence to *Laleham*, what that Examination was, I cannot tell. They made Application to this young Man to be favourable, and not to carry on the Prosecution; says he, Gentlemen, I will not sell my Father's Blood. This, Gentlemen, is the Nature of the Case, and

and if we prove our Charge, that they have been guilty of Murder, Gentlemen, you will find them guilty.

[*John Egglestone* sworn.]

Mr Serj. *Gapper*. Give an Account of what you know of this Matter, and speak the Truth.

*John Egglestone*. An't please you, my Lord, on *Saturday* the first of *May*,—

Serj. *Gapper*. Speak slow and deliberately, that the Court and the Jury may hear you.

*John Egglestone*. An't please you, my Lord, on *Saturday*, the first of *May* last, I and my Father were going up *Staines* River, to catch a Dish of Fish in *Staines* Moor, in the Parish of *Staines*, with a Casting-Net; we fish'd all the Way up till we came to this Ground.

Mr Serj. *Gapper*. In whose Possession was the Ground?

*John Egglestone*. It was Mr *Samuel Sylvester's* Meadow; we were turning back again, an't please you my Lord, in order to go home; my Father he carried the Net upon his Arm, and the String was fastened to his Arm.

Mr Serj. *Gapper*. Well, as you were coming back from fishing, what happened then?

*John Egglestone*. By that Time we had got half Way in the Meadow, we saw *Joseph Redding* and Mr *Annesley* running, and *Joseph Redding* out run Mr *Annesley*, and came up to my Father first.

Mr Serj. *Gapper*. When they came up what was the first thing they did?

*John Egglestone*. *Redding* took my Father by the Collar, and demanded the Net, and he refused to deliver the Net.

Court. Did you see him take him by the Collar?

*John Egglestone*. Yes my Lord.

Serj. *Gapper*. What became of the Net afterwards.

*John Egglestone*. My Father threw it into the River.

Mr Serj. *Gapper*. How far were you from the River then?

*John Egglestone*. I was about two Yards from the River. After the Net was thrown into the River, *Annesley* came up with his Gun, and swore God damn your Blood deliver your Net, or you are a dead Man; and he fir'd off before he received any Answer from my Father.

Mr Serj. *Gapper*. In what Manner did *Annesley* hold his Gun?

*John Egglestone*. In this Manner. (*Pointing the Gun strait forward, holding it about Breast high, stooping a little.*)

Mr Serj. *Gapper*. How near was the Gun to your Father when he fir'd it?

*John Egglestone*. It was close to my Father's Side, he put the Gun between *Redding* and my Father, and shot directly into his left Side, here, (*holding his Hand to his Hip*) he had a Plate Button there, which was bruised to pieces; then my Father said, You Rogue, what have you done, I am a dead Man, and dropp'd immediately.

Mr Serj. *Gapper*. What did *Annesley* say before he fir'd?

*John Egglestone*. He swore if he did not deliver the Net he was a dead Man, and then fir'd immediately.

Mr Serj. *Gapper*. What did you do after you heard your Father say he was a dead Man?

*John Egglestone*. I took a Knife out of my Pocket to cut the String of the Net; and *Annesley* said, You Rogue, I will knock out your Brains too, and held up the butt End of his Gun; upon that I jump'd into the Stream, and cut the String,



String, and drew the Net over to the other Side of the River : then says *Annesley*, the Rogue has got the Net, let us go on the other Side after him.

Mr Serj. *Gapper*. Who did you see when you came on the other Side of the River ?

*John Egglestone*. I saw *John Bettefworth*, *John Fisher*, and *John Bowles*, and when *Annesley* and *Redding* saw these three Men they ran away directly.

Mr Serj. *Gapper*. How near were *Bettefworth*, *Fisher*, and *Bowles* to you before *Annesley* and *Redding* ran away ?

*John Egglestone*. As soon as I got on the other Side of the River they saw these three Men coming, and then they ran away, and *Bettefworth*, *Fisher*, and *Bowles* came through the River to the Side where my Father lay dead ; they came from one Side to the other.

Mr Serj. *Gapper*. What did you do then ?

*John Egglestone*. They bid me get a Surgeon ; so I went to one *Charles Cole*, a Surgeon at *Staines*.

Mr Serj. *Gapper*. When you came to *Staines* did you meet with *Cole* ?

*John Egglestone*. Yes : And I told him my Father was shot, and I believed he was dead or dying, but he never came near my Father ; then I went to *Russel* the Constable, and he took some Townsmen with him, and went to old Mr *Redding's* House at *Yeovely Farm*, to search for the Man that kill'd my Father ; we beset the House all round, and found *James Annesley* hid up in a Corner.

Mr Serj. *Gapper*. How long were you there before he was found ?

*John Egglestone*. I was there about a Quarter of an Hour, or a little more.

Mr Serj. *Gapper*. Was you present then ?  
*John Egglestone*. Yes : I was there all the Time ; then, an't please you my Lord, they pull'd him down.

Mr Serj. *Gapper*. Where was he hid ?

*John Egglestone*. He was hid in a Place which is five or six Foot from the Ground, where they put old Iron and any Sort of Lumber, 'tis a boarded Place or Room over the Wash-house ; a Place where the Woman makes Medicines for sore Eyes.

Court. Was there a Chimney in it ?

*John Egglestone*. I do not know.

Mr Serj. *Gapper*. Was he standing up or lying down, or how was he when he was found ?

*John Egglestone*. I do not know, for I did not see him till he was pull'd down ; he was carried in a Chair into the Yard, and sat there about a Quarter of an Hour, and then was put into the Cart that brought up my Father, and was carried to the *Round-House* at *Staines*.

Mr Serj. *Gapper*. This is all you know, is it not ?

*John Egglestone*. An't please you, my Lord, I can tell you a great deal more.

Mr Serj. *Gapper*. Who pull'd him down ?

*John Egglestone*. I do not know.

Mr Serj. *Gapper*. Was this Wound the Occasion of your Father's Death ?

*John Egglestone*. Yes, it was.

Mr Serj. *Gapper*. Go on ; you say you have other Things to say.

*John Egglestone*. He lay in the *Round-House* all Night, the next Day *Annesley* the Prisoner and I went in a Cart to a Justice at *Hounslow*, and there was one Mr. *Kercher* there, who said to me—

Court. What Mr. *Kercher* said is no Evidence against the Prisoners.

C

Mr

Mr Serj. Gapper. We will let this alone a little.

Court. Can you prove he was any ways employ'd as an Agent by the Prisoner.

Mr Serj. Gapper. I believe we can.

Foreman of the Jury. My Lord, please to ask him whether there was no Quarrel, Bustle, or Struggling, between *Annesley*, *Redding*, and *Egglestone*, before the Gun went off.

John Egglestone. There was no Quarrel or Jostling, my Father never gave him an ill Word.

Court. Did your Father make no Resistance?

John Egglestone. No, no Resistance at all.

Q. Was there no Jostling, nor any thing else pass'd?

John Egglestone. Yes: *Redding* took my Father by the Collar, and *Annesley* came up in the mean Time.

Court. What happen'd between your Father and *Redding* before *Annesley* came up?

John Egglestone. He demanded his Net.

Court. I thought you said there was some Jostling?

John Egglestone. No other Jostling than laying his Hand upon my Father's Collar, but my Father never laid his Hand upon him.

Mr Brown. How near were you when *Redding* laid his Hand upon your Father?

John Egglestone. About a Yard and an Half off.

Mr Brown. You say he shot off the Gun, I ask you what you mean by shooting off the Gun?

John Egglestone. Why he fir'd the Gun to shoot my Father.

Mr Brown. What do you mean by shooting off the Gun?

John Egglestone. He came up directly, as if he was going to shoot a Dog.

Mr Brown. Did you see him draw the Trigger of the Gun?

John Egglestone. No, I did not.

Mr Brown. Was the Gun cock'd before he came up?

John Egglestone. I do not know.

Q. Did not you say that it was?

John Egglestone. I do not know that I did.

Mr Brown. Pray was any Body present at the Time?

John Egglestone. There was No-body near but *Bettesworth*, *Fisher*, and *Bowles*, nor No-body came up.

Mr Brown. Did the Prisoner offer you any Money?

John Egglestone. Yes, he offer'd to settle 50 l. a Year on me.

Mr Brown. Where was this?

John Egglestone. When I was at *Laleham*, the next Day after my Father's Death.

Mr Serj. Gapper. How came you there?

Egglestone. We went to a Justice's at *Brentford*; but he not being at Home, we put up at the *Red-Lion* there, and while we were there, Sir *Tho. Reynell* came in and ordered us to go to *Laleham*, accordingly we went to one Mr *Lee's* into a little Room, and there was *Jack Lane*, Mrs *Chester*, and the Prisoner; Young *John Lane* offered me 100 l. a Year, but the Prisoner said he could not settle 100 l. a Year upon me, for he had more to do for, but he said he would settle 50 l. a Year on me; this was said in the Presence of the Prisoner.

Mr Brown. Did he mention what he would give you 50 l. a Year for?

John Egglestone. Because I should not come in as an Evidence against him.

Mr Serj. Gapper. What is the Reason you did not comply with this Offer?

John

*John Egglestone.* I told them I would not sell my Father's Blood at any Rate?

[*The Council for the Prosecutor having done with this Witness, he was cross examined as follows.*]

Q. Pray in what Manner did Mr. *Annesley*, *Redding*, and your Father stand, when this Accident happened?

*John Egglestone.* *Redding* stood between *Annesley* and my Father, and had him hold by the Collar.

Q. Do you know *William Duffel*, and had not you some talk with him about the Manner of your Father's Death?

*John Egglestone.* No, I never saw him, nor had any talk with him.

Q. Had you any Conversation with one *John Dalton* at *Laleham*, where you say you was offered that Money?

*John Egglestone.* I came out of the Room to ask him whether I should take the Money or not, for he said I had better take the Money and not hang the Man.

Q. Then you said nothing at that Time about the Manner in which your Father was killed? *Eggleston.* No, Sir.

Q. You say you stood by, and saw Mr. *Annesley* point the Gun to your Father: Did you see him cock the Gun?

*John Egglestone.* I did not see him cock it, the Gun was cock'd when he came up to my Father.

Q. Do you know one *Giffard*?

*John Egglestone.* Yes.

Q. When did you come to be first acquainted with him; before or since your Father's Death?

*John Egglestone.* After my Father was killed.

Q. Did not you meet with him at *Staines*?

*John Egglestone.* Yes, I believe I did.

Q. Did you ever see him there before?

*John Egglestone.* No, never.

Q. Did you give him any Orders or Authority to prosecute upon the Account of your Father's Death? *Egglestone.* No.

Q. Do you know one *Williams*?

*John Egglestone.* Yes.

Q. Where does he live?

*John Egglestone.* He keeps the *White-Horse* in *Pickadilly*.

Q. How did you come acquainted with him?

*John Egglestone.* He came to *Staines* and sent for me.

Q. What did he want with you when he sent for you?

*John Egglestone.* I don't know, I went to live with him as a Servant.

Q. What Business was you of, when your Father died?

*John Egglestone.* I worked with my Father as a Carpenter.

Q. If you was brought up a Carpenter, how came *Williams* to find you out for a Servant? *Egglestone.* I can't tell.

Q. How long have you liv'd with him?

*John Egglestone.* Ever since my Father's Death, and I live with him now.

Q. Have you not seen my Lord — at *Williams's*?

[*Here the Court interpos'd, and said the Question was improper.*]

Q. You say you are *Williams's* Servant, have you not din'd with him at his Table?

*John Egglestone.* Yes.

Q. Do you dine at his Table now?

*John Egglestone.* No, I am his Servant.

Q. Do you know the Reason why you were sent from dining at his Table to draw Beer? *Egglestone.* No, Sir.

Q. Do you know one *Paul Keating*?

*John Egglestone.* Yes.

Q. Do you know any Thing of a Note he drew for you at the *Oxford-Arms*?

*John Egglestone.* He did draw something of a Note, but I tore it.

Q. What



Q. What made you tear the Note?

*Egglestone.* Because I did not like his Proceedings.

Q. What were the Proceedings that you did not like?

*Egglestone.* I do not know, I did not understand them.

Q. Why, did not you read the Note before you tore it?

*Egglestone.* No, I did not.

Q. How came the Note to be wrote? Did he say nothing to you about writing of a Note before he wrote it?

*Egglestone.* Nothing at all, but he desired me to copy it.

Q. What did he say to you when he desired you to copy the Note?

*Egglestone.* Nothing; it lay upon the Table and I tore it.

Q. What did you tear it for, if you had not read it?

*Egglestone.* Because it was about things that I did not know what they were.

Q. Did not he desire you to copy the Note? *Egglestone.* Yes.

Q. What did he say then?

*Egglestone.* I cannot tell what he said.

Q. Was you ever at *New-Prison* to see Mr *Annesley*. *Egglestone.* Yes.

Q. What did you go for?

*Egglestone.* I cannot tell.

Q. I ask you what you went for?

*Egglestone.* I went for my own Fancy.

Q. Did you not send up Word to him you was sure he would be glad to see you?

*Egglestone.* I believe I might.

Q. What was the Reason, for which you thought Mr *Annesley* would be glad to see you?

*Egglestone.* I cannot tell, I was willing to see him.

Q. Did you never, in speaking of your

Father's Death, say that it was done accidentally?

*Egglestone.* I do not know that I did.

Q. Did you never say to *Keating* that you were to have 200 *l.* or had a Promise, or that you were to have Security, and from whom?

*Egglestone.* No, Sir, I never did.

Q. Did you give the same Account with Respect to the holding of the Gun as you do now, before the Coroner's Inquest, and before the Justice?

*Egglestone.* Yes, I am sure I did.

Q. Did not you give two Accounts before the Coroner's Inquest; part at one Time, and went out, and the Remainder when you came in again? *Egglest.* No.

Q. Did you never say that the butt End of the Gun was up to his Shoulder, and the Muzzel pointed downward.

*Egglestone.* No, I did not.

Q. Did you never say any Thing to any Body of the Manner of Mr *Annesley's* drawing one of his Feet back?

*Egglestone.* No never.

Q. Can you tell which of his Legs he drew back?

*Egglestone.* No, I cannot tell which he drew back.

Q. Did you never say which?

*Egglestone.* No.

Q. To No-body?

*Egglestone.* No, never.

Mr Serj. *Gapper.* You said you went to the *Oxford-Arms* with *Keating*, and there was something talk'd of relating to a Note, was there any Offer made to you there?

*Egglestone.* No, Sir.

Mr Serj. *Gapper.* You talk'd of a Paper that was tore, do you know the Contents of it? *Egglestone.* No, Sir, I do not.

Mr Serj.

*[John Bettefworth sworn.]*  
 Mr Serj. Gapper. Tell us what you know of this Matter, and where you were when you heard a Gun fir'd on the first of May?

*Bettefworth.* Thomas Egglestone and his Son were a Fishing; I was 169 Yards some odd Inches from the River as near as I could measure.

Q. What Ground was it in.  
*Bettefworth.* They were in the Ground called Mr Sylvester's Rents.

Mr Serj. Gapper. Are there many Hedges on the Side of the River where the Deceased was?

*Bettefworth.* There were a pretty many Willows, but any Body might see through them.

Mr Serj. Gapper. What did you see?

*Bettefworth.* I saw Joseph Redding and Mr Annesley come over the Hedge.

Mr Serj. Gapper. What Hedge?

*Bettefworth.* The Hedge that parted Mr Sylvester's Ground from Mr Redding's Ground, I do not know whether one of them did not come over the Stile, then they both run after Egglestone and his Son; young Redding came up first.

Mr Serj. Gapper. Did he lay hold of Egglestone?

*Bettefworth.* Whether he laid his Hand upon his Collar, or what, I cannot tell; but the Boy run away.

Q. Who was it laid hold of the Shoulder or Collar of the Deceased?

*Bettefworth.* Redding, I saw his Hand upon the Shoulder or Collar of the Deceased, but I cannot say positively whether he had him by the Shoulder or Collar.

Mr Serj. Gapper. How long was it after that, that Annesley came up?

*Bettefworth.* The Boy was gone but a lit-

tle way from his Father, and when Mr Annesley came up to his Father, he came back again.

Mr Serj. Gapper. How near was he to his Father when this Accident happen'd?

*Bettefworth.* I cannot say how near he was to his Father, I believe two or three Yards off. — Annesley and Redding came up almost together, but Annesley came up after him, the Gun went off after he came up: I saw the Smoak and heard the Fire.

Mr Serj. Gapper. As you were 169 Yards off how came you to come up?

*Bettefworth.* The Boy called to us and said his Father was killed.

Mr Serj. Gapper. Who came along with you?

*Bettefworth.* John Bowles, and John Fisher; we came to the River just against the Place where Mr Egglestone lay, and we could not get over there without being up thus high; (putting his Hand to his Middle) but we went over in a shallower Place a little farther.

Mr Serj. Gapper. Were Annesley and Redding there when you came over?

*Bettefworth.* No, they run away before that.

Mr Serj. Gapper. Was Egglestone dead or alive when you came up?

*Bettefworth.* He was not dead, but he could not speak. I desired the Boy to go for a Surgeon, and he went away directly.

Mr Serj. Gapper. Who came first to the River?

*Bettefworth.* I do not know.

Mr Serj. Gapper. Did you all three come away together?

*Bettefworth.* Yes, I was coming rather before the Boy cried out, for I saw the Man drop, I could not see the Boy for a good while, for he was in the River, and he cut the Net from his Father's Arm, as

*Don't you see that?*

he says, I did not see that; but I saw the Boy come cross the River, and when I came up I saw that the Net was brought cross the River.

Mr Serj. *Gapper*. How did *Egglestone* lie?

*Bettefworth*. He lay upon his Face; I lifted up his Head, he groan'd pretty much, but he could not speak: I sent the Boy for a Surgeon, but no Surgeon came.

Mr Serj. *Gapper*. Was you at the apprehending of the Prisoner?

*Bettefworth*. Yes, I was.

Mr Serj. *Gapper*. What Place was it that the Prisoner was in when he was taken?

*Bettefworth*. It was a Sort of a Wash-house, a Back-house: He was in a Place where they throw up Hoops and Iron, and any Sort of old Lumber; I saw him lie upon his Face.

Mr Serj. *Gapper*. Who took him down?

*Bettefworth*. I do not know.

Mr Serj. *Gapper*. What did they do with him then?

*Bettefworth*. They carried him to the Round-House at *Staines*.

Court. When you came to the place where you say he had hid himself, did he come down of his own accord?

*Bettefworth*. Yes, my Lord.

Mr *Brown*. When you heard the Gun go off whose Hand was it in?

*Bettefworth*. Mr *Annesley*'s.

Mr *Brown*. Do you know the Position of the Gun when it went off?

*Bettefworth*. No, I do not.

Mr *Brown*. Did you observe any Struggle between *Annesley*, *Redding*, and the Deceased?

*Bettefworth*. No other than their striving to take the Net away.

Q. Do you remember any Thing that passed in the Round-House? — Did the Prisoner say any thing there?

*Bettefworth*. Yes, the Prisoner said he desired to be kill'd out of the Way, for being accessary to such an innocent Man's Death.

*Brown*. What did he tell you besides?

*Bettefworth*. He said he would have gone home for more Men, but *Joseph Redding* would not let him.

Mr *Brown*. What did he want more Men for?

*Bettefworth*. To take away the Net.

Q. What Answer did he say *Redding* made him to that?

*Bettefworth*. I believe it was, that he said we can do it well enough.

[The Prosecutor's Council having done with this Witness, he was cross-examin'd as follows.]

Q. Did you see Mr *Annesley* and *Redding* before they came up to the Deceased?

*Bettefworth*. Yes, I did.

Q. Did you observe Mr *Annesley* making any Use of his Gun before he came up?

*Bettefworth*. I saw him offer to shoot at a Crow.

Court. How long was that before this Accident happen'd?

*Bettefworth*. I believe about half an Hour.

Q. Was the Crow flying or sitting?

*Bettefworth*. Flying.

Q. Did you observe whether he did shoot at the Crow?

*Bettefworth*. Not then, he did not.

Q. How far were you off then?

*Bettefworth*. About as far, I think, as when I saw the Man kill'd.

Q. What was the Position of the Gun when you saw him come up running.

*Bettefworth*. It was on this Manner, [holds it as if the Gun was with the Muz-



le hanging a little Slanting towards the Ground.]

Mr Brown. You say you saw *Annesley* and *Redding* in the other Ground, before they came into that Ground which belongs to *Sylvester* — what were they doing there, were they standing, sitting, or what?

*Bettesworth*. They were sitting or lying under the Hedge, I cannot tell which.

Q. For what Purpose do you imagine they were sitting or lying there?

*Bettesworth*. I cannot say that, I may imagine they came to take the Net away, I cannot imagine any thing else.

Q. Did you see the Boy go into the River?

*Bettesworth*. Yes, and it was just after his Father was shot.

[*John Fisher* sworn.]

Mr Brown. Do you know the Prisoners at the Bar?

*Fisher*. I know Mr *Redding*.

Q. Do you believe this to be the Person who was along with Mr *Redding* at the Time that Mr *Egglestone* was kill'd? — Look at Mr *Annesley*'s Face, and see whether that is the Man.

*Fisher*. I see Mr *Annesley*, but I cannot say that he is the Man; I saw two Men lie under the Hedge a considerable Time, and saw a Piece in one of their Hands.

*Brown*. In which Ground were they?

*Fisher*. I believe in Mr *Redding*'s Ground.

*Brown*. In what Ground was *Egglestone*?

*Fisher*. He was in *Sylvester*'s Ground. *Bettesworth* called to me, and said there is *Redding* running after *Egglestone*, and *Redding* laid hold of *Egglestone*, the Deceased, and then came up the other with a Piece: I cannot say whether he touched him or no.

Court. In what Manner did *Redding* lay hold of him?

*Fisher*. I cannot say, I was at such a Distance; but I thought he laid hold of his Shoulder.

*Brown*. Did *Egglestone* make away from him?

*Fisher*. Yes; for he knew he was out of the Bounds that he ought to have been fishing in; and there was a Sort of a Struggle to take away the Net; and I thought that *Redding* and the other Person did both snatch at the Net, and then the Gun went off.

*Brown*. In whose Hand was the Gun?

*Fisher*. Not in *Redding*'s Hand, but in the Hand of the other Person.

*Brown*. Was not you attentive at that Time, to see in what Manner he carried the Gun?

*Fisher*. It may be this way, or this way, I cannot say whether he had the Gun against his Shoulder or no.

*Brown*. How near was he to the Deceased?

*Fisher*. Very nigh, I believe not above the Length of a Gun.

Serj. Gapper. Did you see *John Egglestone* by, when you first came up?

*Fisher*. He was near the River.

*Brown*. Did you hear the Boy cry out?

*Fisher*. Yes, he said his Father was killed; — he saw me, and called me by my Name, and said my Father is killed, and I came directly cross the River.

*Brown*. What then became of *Annesley* and the other?

*Fisher*. They run away; we hallooed after them, but I did not think the Man was shot, though I saw the Smoak and Fire of the Gun.

Q. Who

Q Who went over the River first?

*Fisher.* We were all three together almost. I cannot tell who was over first, but I believe I was.

Q What was said to the Boy then?

*Fisher.* Nothing, only to go and get a Surgeon.

Q Who bid him go?

*Fisher.* Some Body did; I did not. I believe it was *Bettesworth*, and the Boy run away directly.

Q Was there any Surgeon brought there?

*Fisher.* No.

Q Who came there afterwards?

*Fisher.* Mr *Sylvester*, he saw the Deceased lying upon the Ground, but he was not there when the Murder was committed.

Q Was you in the House when he was taken?

*Fisher.* No.

Q Was you with him before the Justice of Peace?

*Fisher.* I was examined, but I was not present when the other Witnesses were examined.

Mr *Brown.* What Distance was there between you and the Deceased, when the Gun went off?

*Fisher.* One Hundred and Sixty-nine Yards.

Q Do you include the Breadth of the River?

*Fisher.* Yes I do.

[Cross examined.]

Q You say you think that both *Redding* and *Annesley* snatch'd at the Net?

*Fisher.* I think they did.

Q Do you think it was possible for you to hear what passed between them?

*Fisher.* I could not hear one Word.

Q I would ask you, whether young *Egglestone*, before he was examined by Sir *Thomas Reynell*, did not say to you he believed the Gun did go off by Accident?

*Fisher.* He said he believed it was not done wilfully. I was called into a Room

with *Chester* and *Lane*. He had Money offered him, in my hearing, by *John Lane*, he offered him 100 *l.* a Year. Mr *Annesley* said he could not give him 100 *l.* — but he would give him 50 *l.* for he had others to do for; then, said the Boy, I do not care to sell my Father's Blood; but I will do as my Friends direct me; I believe he was in Liqueur.

Q What did you say to him.

*Fisher.* I said your Father is dead; the Money will do you good; do not swear any thing against him, if you think it was done accidentally; he said the Money will do me good if I had it; and then said, I believe the Gentleman did not do it wilfully.

Q Had you not some Conversation together, after his Examination before the Justice?

*Fisher.* I asked him, after he was examined, what he had done; and how he could swear against him, when he had said so and so to me; said he, I did not know what I said.

Q That he did not know what he said, to who?

*Fisher.* I asked him how he could swear against him when he knew what he said to me, said he, I do not know any Thing of the Matter; he did not remember what he had said to me.

Q Do you know Mr *Williams* the Clergyman?

*Fisher.* Yes.

Q Did not you make a Declaration of this to him?

*Fisher.* Yes, and I told him what I now say, I mean what passed between us at the Time he went before the Justice: I said to Mr *Williams*, that *Egglestone* told me he really believed that the Gentleman did not do it wilfully.

Q Repeat all that you said to Mr *Williams*.

*Fisher.*

*Fisher.* That the Boy said to me, Mr *Annesley* had offered him 50*l.* a Year, that the Money would do him good if he had it, and that he believ'd the Gentleman did not do it wilfully.

Mr *Brown.* Did not he say it was wilfully done as you were going along to the Justice's?

*Fisher.* All the Way he went, he said he believ'd he did it wilfully, but after the Prisoner had been talking with him, he said he believed it was not done wilfully.

[ *Samuel Sylvester* sworn.]

Mr Serj. *Gapper.* Did you see the Deceas'd after he was dead?

*Sylvester.* He lay dead on the Ground that I rent, near the River Side, I think about the Middle of the Ground.

Mr Serj. *Gapper.* Do you know how he came by his Death?

*Sylvester.* I was going up to look after my Ground, to see if there was any Cattle in it, or any thing amiss.—I call'd at the Cock, and drank two Pints of Beer, and when I came within two Hundred Yards or thereabouts, of my Ground, I met three Men, who told me old *Egglestone* was killed; I did not believe it, they then pointed to my Ground, and said, there he lies; I saw several People there, upon which I thought there was something more than common, and so I went up and saw *Tom. Egglestone* lie dead in my Ground.

Mr Serj. *Gapper.* Do you know where the Prisoner *Annesley* was taken?

*Sylvester.* He was taken in a back Building belonging to Mr *Redding's* House; I was searching the Rooms myself, and heard the People say, here he is, and I saw Mr *Annesley*, who is the Gentleman there, come down out of the Place.

Mr *Brown.* What sort of a Place was it he was found in?

*Sylvester.* It was a Place to put odd things in: It was not boarded up to the Top.

Q Did he come down voluntarily, or was he pulled down?

*Sylvester.* I don't know whether they pulled him down or helped him down.

Mr *Brown.* Did you hear him say any thing at that Time.

*Sylvester.* I did not hear him say any Thing, I believe he was in a Fit, for he trembled and fell down behind the Door.

Mr *Brown.* Did you see him at the Round-House?

*Sylvester.* No, I did not, for I was gone to search after the other Prisoner *Redding.*

Mr Serj. *Gapper.* Was you at *Laleham* before the Justice?

*Sylvester.* Yes, I was.

Mr Serj. *Gapper.* Had not the Boy been drinking, and did he not sleep before he went in to the Justice.

*Sylvester.* I believe he did, for about three Quarters of an Hour, I do believe he had been in Liquor, but he was refreshed afterwards.

[*Upon the cross Examination.*]

Q Have you not received Money to pay the Witnesses for attending here on this Cause the last Sessions, and from whom?

*Sylvester.* Yes, I paid some of them, I think it was by Mr *Giffard's* direction who subpoena'd me up; I asked him who was to pay me, he said I should be paid Half a Crown a Day for my Time, which was as much as he thought I could earn at my Business.

Q What Business is this *Giffard* of?

*Sylvester.* He is a Stranger to me.

E

Q Do



Q Do you know who he said he was employed by?

*Sylvester.* He said he was concerned for the King.

Q Did you send Notice of this Accident to any Body as soon as the Man was killed? *Sylvester.* No.

Q Do you know Mr *Williams*?

*Sylvester.* Yes, I know him, but I never was in his Company upon this Occasion.

Q What Business does young *Egglesstone* follow?

*Sylvester.* I cannot say what Business he follows, I believe he draws Beer now.

Q How long have you known him?

*Sylvester.* I have known him five or six Years.

Q What Business was he bred to?

*Sylvester.* Sometimes he would be out at Service, and sometimes he would be with his Father in the Business of a Carpenter.

Q Where does he draw Beer now?

*Sylvester.* I think it is at Mr *Williams's*, at the *White-Horse* in *Pickadilly*. But this is not the *Williams* I was speaking of before.

Q Have you never been in Company with this Gentleman, and had some Conversation with him about this Affair?

*Sylvester.* I have been at the Gentleman's House in *Pickadilly* since this Business has been in Hand, but never before; and I have been in Company with the Gentleman there, but never had any talk with him about this Trial.

Q Was not this *Williams* down before the Justice?

*Sylvester.* I do not know.

Q Did you ever see him at *Staines*?

*Sylvester.* I saw him in the Town of

*Staines*, I believe about a Week after the Accident happened.

Q Have you seen the Boy, *Egglesstone*, there since?

*Sylvester.* I never saw him at *Staines* afterwards.

Q What he has lived with *Williams* ever since?

*Sylvester.* I can't tell.

Q I ask you whether you have not seen him at *Williams's* House every Time you have been there?

*Sylvester.* Yes, I believe I did.

Mr Serj. *Gapper* then said, they would rest it here; And having observed upon the Evidence, concluded with saying, he hoped it had fully made out the Charge against the Prisoners; that the Ground where the Man was killed being the Property of *Sylvester*, the Prisoners were Trespassers by coming into it, and therefore answerable for the Consequences. That as to Mr *Annesley*, there was not only implied, but express Malice proved upon him, for that after he had killed the Father, he was for beating out the Son's Brains, only because they would not let him and the other Prisoner run away with their Net.

*Court.* Mr *Annesley*, you are indicted in a very unhappy Case, what have you to say for yourself?

Mr *Annesley.* My Lord, I am very unable to make a proper Defence; having by the Cruelty of those, whose Duty it was to protect me, been deprived of the Advantages of an Education I was entitled to by my Birth.

All I know of the melancholy Accident in Question is, that on the unfortunate Day mention'd in the Indictment, I went out with my Gun, in company with my innocent

innocent Fellow-Prisoner, to shoot Sparrows, as I usually did. As we were going along, Mr Redding, who is Game-Keeper to the Lord of the Manour, saw some People a poaching within the Royalty, upon which he proposed to go and seize their Nets, I followed him, the Deceas'd threw the Net into the River, and the Boy jump'd in to pull it across, to prevent which, I stoop'd to lay hold of one of the Ropes that trailed upon the Ground, and at the same Instant, the fatal Instrument I had in my other Hand, hanging by my Side, went off without my Knowledge, and to my great Grief as well as Surprize. My Behaviour, immediately after the Accident, was, I hope, inconsistent with a Temper that could murder a Man I had never seen before, without one Word of Provocation.

Whatever may be the Determination of your Lordship and the Jury, great as the Misfortunes of my Life have been, I shall always consider this unfortunate Accident as the greatest of them all.

Court. Mr Redding, what have you to say for yourself?

Joseph Redding. My Lord, I am Game-Keeper to Sir John Dolben, Lord of the Manour of Yeoveney. On the first of May last, in the Afternoon, Mr Annesley and I went out a walking; we saw a Crow, and Mr Annesley made an Offer to shoot at her, but I called to him not to fire, for that she was too far off: Soon after I saw Egglestone and his Son a fishing with a Casting-Net, upon which I said to Mr Annesley, I would go and endeavour to take their Net away, as it was my Duty to do; according I went up to the Deceas'd and demanded the Net, which he refused to deliver to me, and threw it into the River, one End of the String being about his Arm, I then laid hold of the String, and

pulled, whilst the Boy endeavoured to draw it cross the River, and presently I heard the Gun go off (my Back being towards Mr Annesley) and saw the Man fall down.—I said to Mr Annesley, I hoped he had not shot the Man, he said no, but turning up the Flap of his Coat, we saw he was shot; upon which Mr Annesley cried out, What shall I do! and expressed so much Concern, that I am sure it was quite an accidental Thing.

Mr Hume Campbell, of Council for the Prisoners, said, that although he knew by the Course of the Court at the Old-Bailey, he was not at Liberty to observe upon the Prosecutor's Evidence, yet he apprehended, that for the Ease of the Court, he might just open the Nature of the Defence, without making any Observations upon it.

That the Defence which the Prisoners insisted upon was, that the Gun went off meerly by Accident; that Redding was Game-Keeper to Sir John Dolben, Lord of the Manour of Yeoveney, and had a proper and legal Deputation for seizing of Nets and other Engines, for destroying of Game. That the Deceas'd and his Son were poaching with a Casting-Net within the Manour; that Mr Annesley went in Aid of the Game-Keeper; and therefore the Prisoners being about a lawful Act, were not so much as Trespasers, and the Death that was the accidental Consequence of that Act, would, in Point of Law, make Mr Annesley guilty only of Chance Medley.

[Mr Thomas Staples sworn.]

Q. Do you know the Manour of Yeoveney?

Mr Staples. Yes: I am Deputy to my Father, who is Steward to Sir John Dolben, as Lord of the Manour, under the Dean and Chapter of Westminster.

Mr Serj.

Mr Serj. Gapper. How do you know this to be a Manour?

Mr Staples. I have the Grant of the Manour, from the Dean and Chapter in my Pocket.

Mr Serj. Gapper. Are there any Copy-Holders?

Mr Staples. Yes, I have admitted some Copy-Holders; I know it to be a Manour, because I have held one Court there for my Father, and have seen him hold several.

Mr Serj. Gapper. Is there any Mansion-House belonging to this Manour?

Mr Staples. There is a Mansion-House belonging to it, which I think is the House that Mr Redding lives in.

Mr Serj. Gapper. What Court was it you held there?

Mr Staples. A Court-Baron.

[Mr Thomas Burlingson sworn.]

Q Mr Burlingson, look upon this Deputation. Are you a subscribing Witness to it, if you are, did you see this executed, and by whom.

Mr Burlingson. Yes, Sir, that is my Name, I saw Sir John Dolben execute it, this is his Hand and Seal.

Court. Was it executed at the Time it bears Date.

Mr Burlingson. Yes, I believe on the very Day.

[Mr James Edmonds sworn.]

Q Mr Edmonds, look upon that Endorsement, do you know whose Hand that is?

Mr Edmonds. My Lord, I went to the Clerk of the Peace for the County of Middlesex, and heard him acknowledge this to be his Hand, and that it was entred according to the Act of Parliament.

Mr Serj. Gapper. Did you see any Entry of it?

Mr Edmonds. He said it was entred, and acknowledged this to be his Hand, and told me that, was sufficient.

Q My Lord, we pray the Deputation may be read, we will send for the Clerk of the Peace to bring the Book itself, where it is entred.

The Clerk reads. Sign'd J. Dolben, dated the 2d of July, 1741.

**K**NOW all Men by these Presents, that I Sir John Dolben, of Shindon in the County of Northampton, Baronet, and Doctor of Divinity, Lord of the Manour of Yeoveney, in the Parish of Staines, in the County of Middlesex, By Virtue of the several Acts of Parliament lately made, for the Preservation of the Game, have made, nominated, authorized, constituted, and appointed, and by these Presents do make, nominate, authorize, constitute, and appoint, Joseph Redding the Younger, of Yeoveney aforesaid, in the said Parish of Staines and County of Middlesex, Husbandman, to be my Game-Keeper of and within my Manour of Yeoveney aforesaid, of all and all Manner of Game, of what Kind or Nature soever, which now is, or hereafter shall be, upon or within the Bounds, Limits, or Precincts of the same, with full Power and Authority, according to the Directions of the Statute in that Case made and provided, to kill any Hares, Partridges, Pheasants, Fish, or other Game whatsoever, upon or within my said Manour, and the Bounds, Limits, and Precincts of the same: And also to take and seize all such Guns, Grey-Hounds, Setting-Dogs, and other Dogs, Hare-Pipes, Snares, Low-Bells, Ferrets, Tramels, Hays, Tunnels, or other Nets or Engines, for the taking, killing, or destroying of Hares, Partridges, Pheasants, Fish,

or



or other Game, within my said Manour, and the Precincts thereof, that shall be kept or used by any Person or Persons, not legally qualified to do the same: And further to act and do all and every Thing and Things which belongs to the Office of a Game-Keeper, pursuant to the Directions of the said Act of Parliament. And lastly, I do direct that the Name of the said Joseph Redding be entred as such Game-Keeper of my said Manour, with the Clerk of the Peace for the said County of Middlesex, pursuant or according to the Act or Acts of Parliament in that Case made and provided. In Witness whereof, I have hereunto set my Hand and Seal, the second Day of July, in the Year of our Lord 1741.

J. DOLBEN.

Sealed and Delivered,  
being first duly stamp-  
ed, in the Presence of

JAMES AFFLICK,  
THO. BURLINGSON.

Middlesex. These are to certify, that the Name of the within mentioned Joseph Redding is this Day entred in my Office, pursuant to the Statute in such Case made and provided. Dated this 29th Day of January, 1741.

P. WALTER, Clerk of  
of the Peace, Middlesex.

[Joseph Redding the Elder sworn.]

Q. Do you know the Place where this unhappy Case happened? Redding. Yes.

Q. Give an Account of what you know.

Redding. I was in the next Field called Chantry Mead. This where the Accident happened, is called the Hare Mead.

Q. What Manour is it in? Redding. It is in Leoveney Manour, which belongs to Sir John Dolben.

Q. Where were you when this happened?

Redding. I was in Chantry Mead.

Q. How far were you off then?

Redding. As near as I can guess it is about forty Pole.

Q. What did you observe there?

Redding. I saw my Son and Mr Annesley coming up,—I did not know who they were till they came up.

Q. Did you see them immediately after the Accident happened?

Redding. Yes, presently.

Q. How did they behave upon this Occasion?

Redding. They were so troubled they could hardly wag or speak; my Son said he was afraid the Man was killed; and he said to Mr Annesley, how did you do it? Mr Annesley said, I did not think of the Gun's going off.

Q. You say you saw them coming up, did you observe them when the Accident happen'd?

Redding. Yes, I look'd at them all the while.

Q. How was the Gun carried when it went off?

Redding. Just as I may hold this Sword. (Holding it in his Right-Hand, banging down near the Pocket a few Inches from his Body, almost upon a Level) He had it in one Hand, as I have the Sword now.

Q. Did he express himself concerned?

Redding. He was so concerned, that he did not run ten Pole, before he fell down and beat himself thus upon the Belly, and said, What have I done?

Q. Did you ever hear of any Quarrel between him and this Man?

Redding. Never.

F

Serj.

Serj. Gapper. (on the cross examination) Where did you stand when the Accident happened?

Redding. In Chantry Mead.

Q. Is there not a Hedge between Chantry Mead and Hare Mead?

Redding. Yes, I believe there is.

Q. How could you see through the Hedge?

Redding. It is a new Hedge not above a Yard high, and I could see any thing that was doing there, as clear as I can see you.

Q. Was Annesley with his Face or his Back towards you?

Redding. He was Side-ways to me.

Serj. Gapper. Why Chantry Mead is North of Hare Mead, then his Face could not be towards you?

Redding. No, I say his Side was towards me.

Serj. Gapper. You were speaking as to this being a Manour; how do you know it to be a Manour?

Redding. Because there have been Courts kept there.

Serj. Gapper. By whom?

Redding. By Sir John Dolben.

Q. What is Sylvester?

Redding. He occupies this Ground: I let the Farm to Sanders, and Sanders lets it to him.

Q. On which Side of Hare Mead does the River lie; is it East, West, North, or South?

Redding. It is about South.

Q. Does not this River belong to another Person? Redding. No.

Q. Has not Sir John granted the Fishery to any Body?

Redding. I rent the Fishery, the Fishery belongs to me.

Q. Do you depute your Son to look after this?

Redding. No, Sir John Dolben deputes him.

Q. How came Sir John Dolben to appoint your Son to be Game-Keeper?

Redding. Because they robbed me daily.

Q. Have you assign'd that Fishery to any Body?

Redding. No, I have not.

Q. Who owns the Land on the other Side?

Redding. I believe my Lord Dunmore is the Landlord.

Q. Was you standing up when the Gun went off, or sitting?

Redding. I was standing up.

[William Duffell sworn.]

Q. Do you know John Egglestone, the Son of Thomas Egglestone?

Duffell. Yes.

Q. Have you ever had any Conversation with him about this Matter?

Duffell. Yes: On this Occasion he was at my House, I desired him to tell the Truth: He said he would, and then told me, that as he and his Father were fishing, they saw the Prisoner, Redding, coming up; that he desired his Father to give him the Net, and he would run away with it, but his Father would not let him; that then Redding came up and demanded the Net: that Thomas Egglestone said he should not have it, and then threw the Net into the River, and in the mean Time, the other Gentleman came up and shot him; that John Egglestone jump'd into the River and cut the Line of the Net to pull it out on the other Side; and that when the Gun went off and his Father dropped down, Mr. Redding said to the other Gentleman, Lord, Sir, What have you done! And then

then they both run Home: Mr *Abraham Egglestone*, who was present, ask'd him if he saw Mr *Annesley* pull the Trigger of the Gun; and *John Egglestone* answered, that he could not tell. I ask'd him if there was any Quarrel or Words that had passed between them, and he said no. — I said it was very surprizing to me, that this Gentleman should come and shoot his Father and nothing more pass between them; I then asked him in what Manner he held the Gun; he had a Stick in his Hand, and shewed in what Manner the Gun was held in his Hand, thus, (*in his Right-Hand, the Arm hanging down near the Pocket, some Inches from his Body, and near upon a Level; which was the same Manner that old Redding said the Gun was held*) I ask'd if he thought he did it wilfully, he said he could not tell.

Q. How long was this Discourse after this Accident happened?

*Duffell*. About four Hours.

Q. Did you ever see this *John Egglestone* before, for he says he knows nothing of you?

*Duffell*. I have known him these eight Years, and he has been frequently at my House.

Q. What Character has he?

*Duffell*. I cannot say much in his Behalf; his Father could not manage him at all.

Q. What Business did he follow?

*Duffell*. His Father was a Carpenter, and he worked with him.

Q. When did he leave *Staines*?

*Duffell*. Soon after this Accident happened.

Q. Where has he been ever since?

*Duffell*. I have seen him at the *White-Horse*, in *Pickadilly*, and I heard at *Staines*, that he was sent for to *London*.

Q. Did the Man at the *White-Horse* come down for him to *Staines*?

*Duffell*. I did not see him there.

Mr *Serj. Gapper*. You say he was at your House, who gave you Directions about advising him to speak the Truth?

*Duffell*. No-body: Mr *Abraham Egglestone* advised him the same thing.

Q. Who was there?

*Duffell*. No-body but Mr *Abraham Egglestone* and myself; I was desired to go and see how the Man came to be killed, and *John Egglestone* came to me about eight o'Clock.

Mr *Serj. Gapper*. You say he could not say it was wilfully done, so he did not say it was accidentally done?

*Duffell*. No, he did not say it was.

Mr *Brown*. Do you apprehend he had hold of the Gun by the Barrel near the Lock?

*Duffell*. I understood by *Egglestone's* Manner of holding the Stick, that he meant that Mr *Annesley* had hold of the Gun about the Middle of the Barrel.

[*John Dalton* sworn.]

Q. What Discourse had you with young *Egglestone*?

*Dalton*. On the Sunday, when the Prisoner at the Bar was carried to *Laleham* to be examined, I went there: The Company dined at the *Grey-Hound* at *Laleham*, I stay'd and drank half a Pint of Wine there, and immediately afterwards *John Egglestone* came to the Door, and called me out of the Room, and said he wanted to speak with me. When I came out, he said he wanted to ask my Advice concerning this Accident: I said, I wonder you should ask my Advice, when you have Relations to advise with; he said, I thought fit to ask you, as you are my Master. While we were talking, *Samuel Syl-*  
*vester*



vester came out, and said, I was persuading the Boy to sell his Father's Blood; the Boy said, What do you mean, you Fool you, my Master is persuading me to no such thing. I then asked him, whether he thought it was accidentally done or not; he said, he believed it was accidental, rather than any other thing. I said to him, well, if you think so, you will be examined when you come before Sir Thomas Reynell, I desire you would not forswear yourself, but be very careful what you say.

Q. What Character has the Boy?

Dalton. He was very irregular, and used to lie out.

Q. How do you know that?

Dalton. He was my Servant.

Q. What Trade are you?

Dalton. I am a Butcher.

Mr Serj. Gapper. You say he has a bad Character; do you think he would forswear himself?

Dalton. I can say nothing to that.

Mr Serj. Gapper. When was it you had this Discourse with him?

Dalton. On the Sunday, at the Grey-Hound at Laleham.

Mr Serj. Gapper. Was there any talk of Money then?

Dalton. Yes, the Boy said he had been offered Money.

Q. But you say, he said he would not sell his Father's Blood?

Dalton. No, I said Samuel Sylvester came and said I was persuading him to sell his Father's Blood; and the Boy said my Master did not persuade me to any such Thing.

Mr Serj. Gapper. Are you sure that this is true?

Dalton. Yes I am, I think I am in my Senses.

Mr Serj. Gapper. What did you say to him afterwards?

Dalton. I told him he had lost his Father and had no Friend to take care of him, and he knew best what he had to do.

Q. Did not you say it was better to take Money, than hang the Man?

Dalton. No, I said, I thought by what he told me, that the Man was in no Danger of being hang'd, and therefore he had better take Money than endeavour to hang a Man, that he thought did not do it designedly.

(Mr Higgs, belonging to the Clerk of the Peace being sworn, produc'd the Book wherein all the Game-Keepers of all the Manours in the County of Middlesex are enter'd; (Reads) Sir John Dolben of Northampton, Baronet, to Joseph Redding the younger, dated 2 July, 1741. Enter'd 29 January, 1741.

[Mr Richard Chester sworn.]

Q. Give us an Account of what you know of this Matter.

Chester. I drove the Chaise, from my own House, to the Red-Lion at Brentford, and then to the Grey-Hound at Laleham; I went up to young Egglestone, and ask'd him how this unfortunate Thing happen'd; whether it was done designedly, or happen'd by Accident.

Q. Where was this?

Chester. This was at Laleham; he said he believed it was accidental, for he did not believe any Gentleman in cool Blood would do any such thing wilfully.

Q. Do you know any Thing with respect to the Net?

Chester. I think he said Mr Annesley was stooping to the Net, in order to take it, and the Gun went off.

Q. Did he say any Thing how Mr Annesley held the Gun?

Chester.

**Chester.** I had the Chaise-Whip in my Hand, and desired him to show me how Mr. *Annesley* held the Gun; he took the Whip in his Hand and held it so, (*which was much the same Position as Redding and Duffell said he held it in*) I think it was rather nearer the Handle than the Middle of the Whip that he held it.

**Mr Brown.** Did you see the Wound; Where was the Wound?

**Chester.** I understood it was somewhere about the Hip.

**Mr Brown.** I ask you whether you think he could have shot him in the Hip, if he had held the Gun that Way?

**Chester.** I think he could not have shot him there, if he had held it any other Way.

**Mr Brown.** Pray do you know of any Money being offered by any Person in your Presence to young *Egglesstone*?

**Chester.** No.

**Mr Brown.** Nor any Reward of any Sort?

**Chester.** No.—My Lord, I had forgot to mention one thing. After this, *Egglesstone* spoke to Mr. *Annesley* the Prisoner, and shook Hands with him; and *Egglesstone* said he was very sorry for what had happened, but said he did not think he did it designedly, and then drank a Glass of Wine to him.

**Court.** Did they shake Hands, or drink the Wine first?

**Chester.** Both at the same Time as near as could be.

**Mr Serj. Gapper.** Did you see this?

**Chester.** I did see it.

**Mr Brown.** I ask you whether the Prisoner at the Bar is not married to your Daughter-in-Law?

**Chester.** My Lord, if your Lordship

thinks I ought to answer this Question, I will.

**Court.** The Relation is very small, but if they insist on their Question, you must answer it.

**Chester.** The Prisoner is married to my Daughter-in-Law.

**Q.** They ask this Question in Hopes of its being of Service to them in another Affair, for it cannot be of any in this; though I hope he has got a very good Wife.

[*John Paterson* sworn.]

**Q.** Mr *Paterson*, I think you did attend the Coroner's Inquest, upon this Occasion; please to give an Account how *Egglesstone* behaved then, and what he said.

**Mr Paterson.** My Lord, I will; but first beg leave to make an Apology, for appearing as a Witness on behalf of the unhappy Gentleman for whom I am concerned as an Attorney; I do it because, in an Affair of so great Consequence to him, I think he has a right to my Evidence; and I do it with less Scruple, as I am his Attorney without Fee or Reward. My Lord, on the 4th of May, I went to *Staines* to attend the Coroner's Jury; though, as I had not Time to enquire into the Fact, and prepare for Mr. *Annesley's* Defence, I could do him but little Service more, than by cross examining the Witnesses for the Crown, and making Observations on their Evidence; one of the Witnesses was *John Egglesstone*, who has been examined here.

**Court.** As to any Thing in his Behaviour you may give Evidence, but not of any Thing that was reduced into writing.

**Mr Paterson.** I can only speak as to what he said before the Coroner, and I admit

admit the Depositions taken at that Time, were reduced into writing by the Coroner or his Clerk.

[Mr King the Coroner sworn, *who produced his Minutes of the Depositions made before him.*]

Mr Serj. Gapper. Were these drawn up when Egglestone was examined, or afterwards?

Mr King. They were not drawn up afterwards, they were drawn up at the same Time.

Q. Read them as far as they relate to John Egglestone.

Mr Serj. Gapper. Did Egglestone sign his Deposition?

Mr King. He did not.

Mr Serj. Gapper. As this Gentleman is Coroner, what he has taken down ought to be signed by the Deponent; and if it is not, I humbly apprehend it cannot be read.

Council for the Prisoner. The Gentlemen may choose whether they will have the Minutes read, or whether we shall give Parole Evidence, to prove what Egglestone said at that Time.

[The Council for the Prosecutor perfering the Minutes, they were read, and are as follows.]

MAY 4, 1742.

Depositions relating to the Death of Thomas Egglestone, who was shot in the Parish of Staines, in the County of Middlesex.

John Egglestone, Son of the Deceased, living at Staines, saith, that on Saturday, the 1st of May, he and his Father went a fishing in one Sylvester's Grounds, and says, that one Joseph Redding came up and laid hold of his Father, and demanded his Net, upon which his Father

said he should not have it; then the Prisoner, James Annesley, came up, and said, Damn your Blood, surrender your Net, or you are a dead Man; and upon his Refusal, the Prisoner held up his Piece to his Shoulder, and presented his Piece to the said Egglestone, near to the middle Part of his Body, on his left Side, and shot the said Egglestone, who died presently after. Says, the Gun was cocked before he came, and that the Piece went off before his Father's Refusal to deliver the Net. He says the Deceased clapp'd his Hand to his Side, and said, You Rogue, you have shot me, I am a dead Man. That after the Discharge of the Piece, his Father dropp'd instantly: Says, that when he saw his Father shot, he took his Knife, and cut the String of the Net and jumped into the River; upon which the Prisoner said, he has got the Net, and went to strike at him with the butt End of the Gun, and said, Let us go on the other Side of the River, and fetch it. Says, that Redding had hold of Deceased by the Collar, when the Piece went off. Says, he was not offered any Money by any Body.

Council for the Prisoner. This is the 4th of May, and he now says, that on the second of May he was offered Money at Laleham.

Mr Serj. Gapper. Are these all the Minutes that you took?

King. My Clerk was there, these were all that he mention'd that he took; if I may say any Thing more from my Memory I will do it.

Q. Then we will go upon the Parole Evidence.

Mr Serj. Gapper. When an Officer has taken Things down in Writing it is of dangerous



dangerous Consequence to admit Parole Evidence to be given of the same Things.

Q. We do not insist upon it.

[The Reverend Mr Eusebius Williams sworn.]

Q. Sir, do you know John Fisher?

Williams. Yes.

Q. Had you any talk with him about Egglestone's being killed?

Williams. I happen'd to be at Laleham, and heard the Depositions that were made before Sir Thomas Reynell. Fisher said if he was examin'd before the Justice he would declare what Egglestone had said to him.

Q. What was that?

Mr Williams. Fisher told me that Egglestone said he did not believe the Gentleman kill'd his Father designedly; but that it was an Accident.

Q. Do you know how this young Man Egglestone came from Staines to London, and who has had the keeping of him since?

Williams. I know nothing but by hearsay.

Q. Was you never at the White-Horse in Pickadilly?

Williams. I never was there since this Accident.

[Mr Bethune call'd.]

Mr Serj. Gapper. My Lord, this is another Person that is brought to contradict the Evidence of Egglestone, in what he said with respect to the Position of the Gun.

Prisoner's Council. Egglestone said the Gun was pointed downward. Now we shall shew you from the Nature of the Wound that it is morally impossible it should be so, for the Wound is slanting upwards.

[James Bethune sworn.]

Q. Sir, you are I think a Surgeon at Brentford: Did you see the Body of this Egglestone that was kill'd at Staines?

Mr Bethune. On Sunday after the Accident, My Lord, I happen'd to be at Laleham, and Sir Thomas Reynell gave me Leave to come in and hear the Depositions: I was afterwards sent for by Mr Perkins a Surgeon at Staines, to attend at the opening of the Body before the Coroner; there were several of the Coroner's Jury in the Room. I found the Wound on the left Side, about an Inch and an Half below the Ridge of the Hip-Bone; the Wound I apprehend to be about an Inch and an Half wide; I found it went into the Cavity of the Belly.

Q. Did the Wound go upwards or downwards into the Belly?

Bethune. When I found it went into the Cavity of the Belly, I remember'd in what manner Egglestone held the Gun when he was before Sir Thomas Reynell, to show how Mr Annesley held it when he fir'd: I remember very well he held it to his Shoulder slanting downwards; I attempted to put my Probe into the Wound in the same direction as he described the Gun, but there was no Passage for it in that Position, it would not go in downwards; then I put it in in this Manner cross the Belly, and it went in without Obstruction, and then upwards and it went in with the same Ease, in this Manner. I observ'd several large Blisters, full of black Serum on the right Side, opposite to the Place where the Shot went in, the Blisters which were on the opposite Side, were three or four Inches higher than where the Wound was, the Wound was on the left Side, and the Blisters on the right; when I found this

was so plain to me, I desired it might be as plain to the Jury and every one there, as it was to my self, because this was a Matter of Fact and not of Judgment, and I desired the Foreman to come and put the Probe in and try, he did so and found the Wound as I have described it: I was the more careful in this, because I had observed the Evidence that the Boy gave on the Sunday, and there was some Variation between that and the Nature of the Wound, therefore I desired them to take the more Notice of it, and said, Gentlemen, I shall have Occasion to speak to this by and by, and therefore I desire you would mind what I say to you.

Q. What do you think those Blisters on the other Side were occasioned by?

Mr Bethune. I apprehend they were occasioned by the Force of the Powder, and that if the Shot had gone through, it must have come out three or four Inches higher on the other Side than it went in.

Mr Serj. Gapper. According to your Account, could he, holding the Muzzle of the Gun upwards, have made this Wound?

Mr Bethune. It could not have made it with the Muzzle downward.

Q. Did you observe how the Wound was upon the Bone, and whether there were any Shot remaining in the Wound?

Mr Bethune. No Sir, But I found some Shot in the Cavity of the Belly.

Mr Brown. Now the Question is, Whether the Shot, coming upon this Bone, might not be thrown upwards?

Mr Bethune. No, for the Shot went through the Bone so that the Gun must have been held obliquely, pointing upwards; the Shot could not have gone through in that Direction if the Muzzle of the Gun had pointed downwards; this is not Matter of Judgment, but I have given you Demonstration of it.

Mr Serj. Gapper. You say the Wound went from the left Side to the right, and that if the Muzzle of the Gun was downwards the Wound would be in the same Manner.

Mr Bethune. Certainly Sir, if the Muzzle of the Gun is held downward, the Shot cannot go upward.

Foreman of the Jury. He makes it appear that the Prisoner could not hold the Gun to his Shoulder, but that it was held horizontally, and that it was impossible for him to wound him in the Manner the Boy has described, if the Muzzle of the Gun had been pointed downward.

Mr Bethune. I beg Leave to speak a few Words more to your Lordship. While I was giving in this Evidence before the Coroner and his Jury, if your Lordship remembers, I said I had showed them how the Wound was, therefore I desired them to consider how Consistent it was with the Evidence that Mr Egglestone had given: I believe I proved it to the Coroner's Jury and others that were there, that it was impossible it could be done in that Manner, if the Gun was held as he said, to his Shoulder, upon that he comes up again, and, says he, the Gentleman stooped when he did it.

Council for the Prisoner. This shews how he departed from what he had said, for he said first that Mr Annesley stood upright when he fired, and then that he stooped in order to make his Evidence correspond with the Wound.

[John Perkins, Surgeon, sworn.]

Q. Did you see the Body of Thomas Egglestone?

Perkins. I opened the Body on the 4th of May, and on Inspection, I found one Wound of about an Inch and an half Diameter; on the lower Part of the left Side, it passed thro' the Spine of the Os Ilium about an Inch and an Half below the

Ridge

Ridge of the Hip Bone: I put in my Probe seven or eight Inches, by which and likewise upon Inspection, I found it run horizontal, a little upon the ascending: I put my two Fingers into the Cavity of the Bone and shewed the Jury how it was, and observ'd on the contrary Side four or five Blisters, which I think to be occasioned by the Force of the Powder from the other Side; but the Shot did not go through the Skin.

*Court.* I ask you whether these Blisters were higher or lower than the Wound?

*Mr Perkins.* Four or five Inches higher, my Lord.

*Mr Brown.* Do you think these Blisters were occasioned by the Shot?

*Perkins.* I apprehend they were, because there were no other Blisters on any other Part of the Body.

[*Mr King* the Coroner called again.]

Q Was any Application made to you at any Time to send *Mr Annesley* a Prisoner to *Newgate*?

*Mr King.* Yes, I think it was *Mr Giffard*, he came along with another Gentleman, whose Name I think is *Carrington*.

Q What, *Captain Carrington*?

*Mr King.* I believe it was: I said, I think the Gentleman is secure enough: (there was a Lord mentioned, but I cannot remember that he was named: *Mr Giffard* wisely kept him from saying who it was) I thought it was too severe to send him to *Newgate*, and said that *Sir Thomas Reynell* was the Justice of Peace who committed him, and he had taken sufficient Gate about it;

[*Paul Keating* sworn.]

Q Do you know any Thing of *Egglestone*? *Keating.* Yes.

Q Where did you come acquainted with him?

*Keating.* At the *White Horse* in *Pickadilly*.

Q What Countryman are you?

*Keating.* I came from *Ireland* on Board a Merchantman from *Waterford*: I was recommended to the Earl of \_\_\_\_\_ to say what I know as a Witness about the Estate.

Q How came you to the *White Horse*?

*Keating.* There was one *Lawler* that came over in the same Ship. When I came to Town, I went and enquired for him at the Earl of \_\_\_\_\_'s, and he sent me to the *White Horse* in *Pickadilly* to live, and there I came acquainted with *Egglestone*.

Q After your Acquaintance do you remember any Conversation with him, about what he was to have for swearing in this Cause?

*Keating.* I do, my Lord, remember mighty well; a little Time after he came to the Inn, he and I got acquainted together, and went out a walking to see the Town, and particularly on a Sunday Morning; the Sunday after he came to *Pickadilly*.

Q What Month was that in?

*Keating.* In the Month of May: I believe it was the second Sunday in May: as we were walking abroad I asked him how he came to live there, says he, I am here at the Expence of the Earl of \_\_\_\_\_

*Court.* This is not proper: If you can call any Body to contradict *Egglestone* you may, but this is reflecting upon a Noble Person's Character.

Q Did he tell you how he came to be at that Inn?

*Keating.* He told me that *Mr Williams*, who keeps the *White Horse*, brought him from *Staines*, and that he should be very well provided for, if he would prosecute



the Gentleman, who is now in Custody, for this Murder, and he desired I might contrive some way that he might get the Money secured, and I wrote two or three Drafts of Notes for 200*l*. and he took Copies of them.

Q. How came he to take Copies of them?

Keating. Because I did not care my Hand should be known. I have a Copy of one of them in my Pocket. [Reads.]

I Promise to pay to Mr Thomas Egglestone [that is his elder Brother] or his Order, at or upon the 10th Day of June next, the Sum of 200*l*. Sterling for Value receiv'd from his deceased Father and him in Carpenters Work, &c. Witness my Hand this 10th Day of May, 1742.

This was to be signed either by Williams or my Lord ———

Q. Do you know of any Discourse with Patrick Lawler?

Keating. Yes, he is my Lord ———'s Servant.

Court. What Lawler said is not Evidence, unless to contradict him, and he has not been examined.

Q. Have you ever seen the Earl of ——— at the White Horse.

Keating. He is there often.

Q. What, has the Earl of ——— any Thing to do there?

Keating. His Coach and Horses are kept there.

Q. How long have they stood there?

Keating. They stand there constantly.

Mr Serj. Gapper. What was that Note for?

Keating. It is only a Copy of what I wrote for Egglestone, for as I told the Court before, I did not care that my

Hand should be seen in any such Thing as Bribery and Corruption.

Mr Serj. Gapper. Where was this Note sign'd?

Keating. I cannot say whether it was sign'd or not, he told me it was to be sign'd.

Q. Did not you put this into Egglestone's Head?

Keating. No, upon my Oath I did not.

Mr. Brown. Did not you receive Money to go somewhere, and you and he went and spent the Money?

Keating. I receiv'd a Crown to go to Woolwich.

Q. How came you not to go to Woolwich?

Keating. I had not a mind to go.

Mr Serj. Gapper. So you had a mind to make Egglestone drunk with this Crown?

Keating. That is a different Case.

Q. Did not you treat him?

Keating. Yes, I did.

Q. What Reason had you to treat him?

Keating. Because he had no Money of his own.

Mr Serj. Gapper. So you had a Crown to go to Woolwich and did not go?

Keating. I did not go indeed.

The Evidence for the Prisoners being gone through.

Court. If the Jury should be of Opinion that the Gun went off by Accident, the Homicide must, in Point of Law, be either Manslaughter or Chance-Medley; I should be glad in that Case to make it Chance-Medley; but in order to that it must appear, that what Mr Annesley was doing, was perfectly lawful, otherwise he will be guilty of Manslaughter.

The other Prisoner, Redding, had certainly, by Virtue of his Deputation, and by

by Force of the Acts of Parliament made for the Preservation of the Game, Authority to seize the Deceased, who was clearly acting in Violation of those Laws. But it is doubtful whether the Authority of a Game-Keeper being personal, the other Prisoner acted lawfully in assisting him.

*The Substance of the Arguments by the Council for the Prisoners, (viz. Mr Hume Campbel, Mr Serj. Hayward, Mr Clarke, Mr Wyrley, and Mr Smith) was as follows.*

My Lord, although a Game-Keeper's Authority be personal; we submit to your Lordship, that as the Deceased was confessedly doing an unlawful Act, Mr *Annesley's* catching at the String of the Net, which the Deceased had thrown away, and which might be only to prevent its falling into the Water, was not such a Trespass in him, as will alter the Nature of the Consequence, and make that Manlaughter, which appears to have been in Fact a most unfortunate Accident.

We humbly apprehend, my Lord, that it is not necessary, that the Act Mr *Annesley* was about when the Accident happened, should be strictly legal; if it was an Act of an indifferent Nature, not an unlawful one, we hope it will be sufficient to excuse him from the Guilt of Manlaughter.

If a Man throws a Stone into a Place of publick Resort, and kills another, that will be Manlaughter, because the Act itself was unlawful; supposing that dismal Consequence had not followed it.

But if a Man is playing at Bowls, and undesignedly kills another, there as the first Act was of an indifferent Nature, the

Law will not impute the Accident consequential to it as a Crime.

As to Mr *Annesley's* entering the Close that belonged to *Sylvester*, whatever it might be with Regard to him, it was an Act of an indifferent Nature with Respect to the Deceased, who claimed no Property in the Ground, and consequently had no more Right to be there than Mr *Annesley*, unless you will suppose him to have had the Owner's Consent, which, as it was not proved, may and ought, with equal Justice, to be supposed in Favour of the Prisoner.

The young Man's Evidence being put out of the Case, (and considering the Manner in which he contradicted himself, and has been contradicted by others, what he says we apprehend ought to stand for nothing) Mr *Annesley's* Act appears to be no more than stooping to prevent the String of the Net from falling into the River; in doing of which, suppose a Pistol had gone off in his Pocket, would it not be the hardest Case in the World, to say that this Accident should make him guilty of Manlaughter.

But allowing it necessary that the Act Mr *Annesley* was doing must be lawful, we hope to shew your Lordship that Mr *Annesley's* Interposition in this Case was so.

There are two Acts of Parliament relating to the Game, applicable to this Case; the one made in the 22d and 23d Years of *Charles II. Chap. 25.* and the other in the 4th and 5th Years of *William and Mary, Chap. 23.*

The first recites that divers disorderly Persons, laying aside their lawful Trades, betake themselves to the stealing of Conies, Hares, Pheasants, Partridges, and other Game, with Nets and other Engines.

For

For Remedy whereof it enacts, That all Lords of Manours may, by writing under their Hands and Seals, authorize one or more Game-Keeper, or Game-Keepers, within their Manours; who being so authorized, may seize such Nets, or other Engines, as shall be used by any Person or Persons prohibited to keep or use the same.

Then it recites, that divers idle, disorderly, and mean People, do betake themselves to the stealing of Fish out of Ponds, and other several Waters and Rivers, to the great Damage of the Owners thereof.

Therefore it enacts, that if any Person or Persons shall use a Casting-Net in any River, &c. without the Consent of the Lord or Owner of the said Water; and being thereof convicted before any Justice of the Peace, shall give the Owner such Satisfaction (not exceeding treble Damages) as the Justice shall appoint, or be committed to the House of Correction. And that it shall be lawful for the Justice to destroy all such Nets, or other Engines, wherewith such Offenders shall be taken or apprehended.

The other Act of Parliament recites, that divers good and necessary Laws had been made for Preservation of the Game; notwithstanding which, or for want of the due Execution thereof, the Game had been very much destroyed by many idle Persons, who afterwards betake themselves to Robberies, Burglaries, or other like Offences, and neglect their lawful Employments.

For Remedy whereof it enacts, That no Person, or Persons, shall have or keep any Net or Engine for taking of Fish, except the Owner or Occupier of a River or Fishery. And that it shall be lawful

for such Owner or Occupier, and all and every other Person, or Persons, by him or them, for that Purpose appointed, to seize, detain, and keep, to his and their own Use and Uses, every Net or Engine which they shall find used, or in the Custody or Possession of any Person or Persons whatsoever, fishing in any River without the Consent of the Owner or Occupier.

Now the Question which your Lordship puts upon us to argue, is, Whether a Person duly authorized under these Acts of Parliament, being resisted in the Execution of his Office, can legally call any other Person to his Assistance.

Your Lordship will consider we are arguing in Favour of Life, and therefore will construe these Laws in the most beneficial Manner for the Prisoner, and the rather because such Construction will tend to put the Laws themselves in Force, which were intended for securing Men in their Property from the Violation of idle and disorderly Persons.

These Acts suppose the Offenders to be desperate People, for it describes them to be such as afterwards betake themselves to Robberies and Burglaries, and likewise supposes (what is also true in Fact,) that they go in Numbers to destroy the Game.

That Circumstance seems to imply that a Game-Keeper, or other Person duly appointed, may, in such Cases, call in other Persons to his Assistance.

To construe the Law otherwise, would render it ineffectual, for it is absurd to suppose, that every Lord of a Manour, or Owner of a Fishery, should appoint as many Game-Keepers as there may be Persons inclined to invade his Property. This would entirely tend to defeat the Security



Security intended by the Law, and therefore can never be agreeable to the Meaning of the Legislators.

As these are late Acts of Parliament, it cannot be expected, that we should produce Cases directly in Point, and Resolutions of the Judges, on the Construction of those Acts in this Question.

But suppose upon some of the Acts of Parliament made against Smugglers, an Officer of the Revenue, or at the Common Law a Constable, being resisted in the Execution of his Office, calls in other Persons in the Neighbourhood to his Assistance, and Mischief or Death ensues; might not those Persons avail themselves of the Authority vested in the Officer or Constable, so as to be justified in what they do, for the manifest Support and Execution of the Law?

A Man has undoubtedly a Right to drive away Cattle, which he finds *Damaging* in his Ground. Suppose then he should desire a Stranger to assist him, could the Owner of the Cattle maintain an Action against the Stranger for the Trespas in driving his Cattle?

Suppose, in the present Case, the Deceased had not unfortunately been killed, and had brought an Action against the Prisoners for an Assault, might not the Defendants (one of which was Game-Keeper) have pleaded specially, and justified under the Act of Parliament? And surely, whatever in pleading would have been a Justification in such a Case as this will be a sufficient Excuse.

But we apprehend, that in all Cases where the Law makes Offences punishable by Justices of the Peace, whoever sees a Person committing such an Offence, has a Right, without any special Authority, to take him up, and carry him, to-

gether with the Instrument of his Offence, before a Justice, in order to his Conviction, and that whatever is necessary for this Purpose is lawful.

If this was not Law, Offenders would in most Cases escape with Impunity; for observing themselves to be discovered, they would hardly stay till the Observer could resort to a proper Authority; and being mean and unknown Persons, might never afterwards be found.

Even the young Man, who was so very forward in giving his Evidence, admits that his Father and he were actually fishing, that is, committing an Offence against these Acts of Parliament. That *Redding*, who had a legal Authority, came up first to the Deceased and demanded the Net, that the Deceased refused to deliver it; and that whilst they were struggling for the Net, Mr *Annesley* came up and snatched at it.

Upon the Whole, we hope Mr *Annesley* was well warranted to go to *Redding's* Assistance, and that the unhappy Accident that fell out at that Time, shall not be imputed to him as a Crime, but construed to be no more than Chance-Medley.

*The Substance of the Arguments by the Council for the Prosecutor, viz. Mr Serj. Gapper, Mr Serj. Wynne, Mr Brown, and Mr Johnson was as follows.*

My Lord, The Council for the Prisoners have undertaken to justify under two Acts of Parliament.

As to the 22d and 23d of *Charles II.*, we beg leave to observe, that the Clause empowering Lords of Manours to appoint Game-Keepers with Authority to seize Nets, does not extend to Fisheries. The

Claufe which relates to Fishing, only directs that the Offenders, fhall be punifhed upon Conviction before a Juftice of Peace, but does not empower any one to feize either them or their Nets. The regular Way undoubtedly is to lay a Complaint before a Juftice of the Peace, who is to grant his Warrant for apprehending the Offender, and then upon Conviction he may destroy the Net. Befides, it was sworn by old *Redding*, that this was his Fishery, if fo, Sir *John Dolben* had no Authority at all to appoint a Game-Keeper to take care of it, and confequently, even the Deputation itfelf is void.

But if it was not void, yet ftill the Power is perfonal, and cannot be delegated to another, and therefore cannot ferve to excufe Mr *Annesley*, who appears to have acted officioufly, without being called upon by any Body.

As to the other Aft of Parliament, the 4th and 5th of *William and Mary*, that no Ways relates to Game-Keeper, but only empowers the Owners or Occupiers of Fisheries, or Perfons by them for that Purpose appointed, to feize the Nets; fo that this Power is confined to old *Redding* himfelf, and it does not appear he has appointed either of the Prifoners, and therefore, as they had no Authority at all, they were Trespassers, and muft answer for the Confequences.

As to the liberal Conftitution of the Afts of Parliament, which the Gentlemen contend for, we fay that, at the Common Law, every Man had a Right to fifh in Rivers; and confequently, thofe Statutes are an Abridgment of the Common Law, and therefore to be ftremely conftituted. By the fame Rule of Conftitution which they infift upon, any Man may

claim a Right to come every Day and fearch another's Houfe for Nets and Engines for destroying of Game. But what Murders, befides other Inconveniences, muft be the Confequence of fuch an unlimited Power, we leave all the World to judge.

We admit that this is a new Cafe, and therefore the Cafes put of a Conftable, whole Office is as ancient as any in the Kingdom, are by no Means parallel. We infift therefore that the Prifoners, at leaft Mr *Annesley*, having been wrong Doers, muft answer for the Confequence, which being the Death of one of his Majefty's Subjects, make them guilty of Manflaughter, fupposing the Gun went off by accident.

*Then Mr Hume Campbell faid in Reply.*

My Lord, I beg leave to trouble you with a few Words, on Behalf of the unhappy Gentleman, who ftands charged before you with a Crime which affects his Life.

If that Confequence was the Motive for the Charge, he may rely upon the Juftice of this Court as his Security; to your Juftice he has furrender'd himfelf, and equally trusts in that and his Innocence.

In arguing the Point now before the Court, I may take it for granted, that the Gun went off by accident, without Mr *Annesley's* knowing it; and only confider whether his interpofting to affift *Redding* was or was not lawful.

My Lord, I take it for a general Rule, that all Perfons on request not only may, but are bound by their Duty and Allegiance, to affift legal Officers in the Execution of their Duty.

I fhall

I shall not repeat any of the Evidence; the Court will remember that a Request of the Game-Keeper's, or what amounts to such, has been proved.

I mentioned the Case of a Constable, which the Gentlemen of the other Side, endeavour to distinguish from that of a Game-Keeper, by saying that his Power is great, and that his Office is very ancient. I admit both these Positions, but insist that his Power does not arise from the Antiquity, but from the Legality of his Office.

A Game-Keeper is a legal Officer, particularly appointed under the Acts of Parliament for the Preservation of the Game; he is for that Purpose, fully empowered to put the Laws relating to the Game, in Execution: No-body can legally resist him, and consequently the Deceased and his Son were doubly criminal; first, in breaking the Law, and then in resisting the legal Officer, who came to put that Law in Force.

What did Mr *Annesley* do in this Case? He stooped to take up the Net which the Deceased had unlawfully thrown into the Water, to prevent the Game-Keeper from seizing it.

*Egglestone* had abandoned it; and will any one maintain, that when a Trespasser throws away the Instrument of his Crime, it is unlawful in another Person to take it up? Nay the Assistent of him to whom the Statute gives it?

They say, a Man may as well go every Day into People's Houses, under Pretence of searching for Nets, &c. No, they cannot do that by Law, every Man's House is his Castle; and the Law has provided that he shall not be molested there without a special Authority. Nor is there the same Reason for that, as there

is for seizing Offenders in the actual Commission of the Offence. The very Case they put, implies the Offender may be found and come at by the ordinary Forms; but in the other, he may not be known, and will hardly stay till you apply for a Warrant to apprehend him.

So that the Necessity of the Thing makes that reasonable and lawful in the one Case, which, for want of that Necessity, is not so in the other.

That a special Authority, My Lord, is not necessary in all Cases, will hardly be disputed; a Constable, if the Law is broke in his Presence, may by Virtue of his general Power take cognizance of the Offence and arrest the Offender.

In the present Case the Game-Keeper who is a legal Officer, and in nature of a Constable for this particular Purpose, saw the Deceased a Fishing, and consequently had a Right without any special Warrant to seize him; and when resisted, to call Mr *Annesley* to his Assistance.

It is said, the Acts of Parliament are an Abridgment of the Common Law, and therefore should be construed strictly. My Lord, no Man, by the Common Law, had a Right to fish in another's Property. It was an Offence at the Common Law; It is *Malum in se*; and the Statutes, that have been mentioned, only make that Offence punishable by a Justice of Peace; as they tend therefore to secure the Property which a Man had at the Common Law, they are an Addition to the Common Law, fixing a Punishment for the breach of Law; and therefore to be so construed, as will best answer so salutary an End.

If it is a new Case, as the Gentlemen seem to lay a stress upon it, let us consider what will be the Consequence of  
your



your Lordship's Determination if it should be against us.

The Law, my Lord, I apprehend will become vain and idle; for if Offenders get together in any Number, it will be impossible for a Game-Keeper to restrain them.

Nay, my Lord, the Law itself will become a Snare to all who have not the Act of Parliament in their Pocket, to tell them they must not interfere; for suppose a Person legally appointed under an Act of Parliament, going to do his Duty is resisted, can it be imagined that his Fellow-Servant, his Neighbour, or his Friend, would not think himself justified, nay bound to assist him, when he sees his Authority thus trampled upon.

At most, my Lord, it could be only an imprudent Act in Mr *Annesley* to interpose, but we hope your Lordship will not construe it to be such an unlawful Act, as will make him a Trespasser, and so guilty of Manslaughter.

Your Lordship will please to observe that it depends entirely on the Credit of *Egglestone*, whether this Gentleman did any Thing or not. Before your Lordship directs the Jury as to this, it is my Duty to acquaint your Lordship, that there is an Indictment on the Coroner's Inquest, and likewise an Indictment on the Black Act against the Prisoner Mr *Annesley*.

*Court.* That is for shooting Maliciously: But there is no Evidence tending that way.

Mr Serj. *Gapper.* My Lord, we desire to call some Evidence to support the Character of *John Egglestone*.

*Q.* For what? we have called no Witnesses to impeach it.

*Court.* Have you not examined every Witness that has appeared to the Boy's

Character? If you could have called more, it is to be supposed you would have done it.

[*John Gardner* sworn.]

Mr Serj. *Wynne.* Do you know this young *Egglestone*? *Gardner.* Yes.

Mr Serj. *Wynne.* How long have you known him?

*Gardner.* Seven or eight Years.

Mr Serj. *Wynne.* What is he as to his Honesty and Veracity?

*Gardner.* He is like other Boys, sometimes good, sometimes indifferent.

Mr Serj. *Wynne.* I do not mean as to a little Unluckiness: But do you think from his general Behaviour that he would forswear himself?

*Gardner.* No, I do not think that he would.

[*Thomas Sylvester* sworn.]

Mr Serj. *Wynne.* Do you know this *Egglestone*?

*Sylvester.* Yes, I have known him about three Years, he lived by me at a Butcher's.

Mr Serj. *Wynne.* What was he as to his Character and Behaviour?

*Sylvester.* He was sometimes idle and given to Play.

Mr Serj. *Wynne.* Do you think he would forswear himself?

*Sylvester.* No, I do not think he would.

[*Samuel Sylvester* called.]

Mr Serj. *Wynne.* How long have you known this Boy.

*Samuel Sylvester.* I have known this Boy a good while.

Mr Serj. *Wynne.* What is his general Character, do you think he would forswear himself?

*Samuel Sylvester.* I have had no Conversation with him, so I do not know what he is. [William Palmer sworn.]

Mr Serj.

Mr Serj. *Wynne*. Do you know young *Egglestone*? *Palmer*. Yes.

Mr Serj. *Wynne*. How long have you known him?

*Palmer*. I have known him as long as I have known any Person of his Age: He came of very honest Parents.

Mr Serj. *Wynne*. Do you think he would forswear himself?

*Palmer*. I do not think he would forswear himself.

Q. Upon your Oath, do not you think he is much addicted to lying?

*Palmer*. Why, that is not taking a false Oath.

[*Patrick Lawler* sworn.]

Mr Serj. *Wynne*. Do you know *Paul Keating*?

*Lawler*. I have known him ever since the 18th of *March* last.

Q. What is his general Character?

*Lawler*. I do not know his general Character: But I know he has behaved very bad of late.

Q. Did you never offer him any Money to keep out of the Way, and not appear at this Trial?

*Lawler*. No, not I: But he said he would give them a Rowland for their Oliver.

Q. Do you know what he meant by that?

*Lawler*. No, only that he said if my Lord ——— did not give him Money he would turn Evidence on the other Side.

Q. What did you think he meant, when he said, if my Lord ——— did not give him Money he would turn Evidence of the other Side? Why surely my Lord is not concerned in this Prosecution! But pray, Sir, you have given a bad Account

of Mr *Keating*, how came you and he acquainted.

*Lawler*. This *Keating* and I came over together from *Ireland* in the same Ship, he told me there were some Evidences on Board that were coming over to swear away my Lord ———'s Estate; said he, there are three Women and two Men, and I have discovered the whole Thing; how they are bribed to come here, and if I come to *London*, said he, I will give my Lord ——— an Account of it.

Q. Pray, Sir, tell us what became of *Keating* when he came to Town?

*Lawler*. Soon after he arrived he found me out, and so I told Mr *Jans*, I thought he might depend upon this Man, because I had seen him in *Bristol*; said I, I speak to you about this Man, out of Charity, for he is very poor; then says Mr *Jans*, let him go to the *White-Horse* in *Pickadilly*; and then he wanted Cloaths and Money; and, says he, if they do not give me Cloaths and Money, I will swear that the Earl of ——— was to give a Note to young *Egglestone* to swear upon this Trial.

Q. What do you think he meant by his giving a Rowland for an Oliver? Whether it respected this Cause, or related to my Lord ———'s Estate?

*Lawler*. I cannot tell what he meant.

Then the Court proceeded to sum up the Evidence as follows:

Gentlemen of the Jury; The Prisoners at the Bar, *James Annesley* and *Joseph Redding*, stand indicted for the wilful Murder of *Thomas Egglestone*, by giving him one Wound on the left Side of the Belly, in the Parish of *Staines*, of which he instantly died; the Indictment

ment lets forth that *Annesley* fired the Gun, and gave the Wound, and that *Redding* was assisting and abetting him in the doing of it: And they stand a second Time indicted on the Coroner's Inquest for the same Murder; and there is another Indictment against the Prisoner *Annesley*, for feloniously, wilfully and maliciously shooting this Man, against the Statute of the Ninth of King *George* the First: The first Evidence that is called by the Prosecutor is *John Egglestone*, he says his Father and he went a Fishing up the River till they came to *Samuel Sylvester's* Ground, that they had a Net, and the String of the Net was about his Father's Arm; that when they got about the Middle of the Field, they saw the Prisoners coming up, that *Redding* came up first, and went to lay hold of the Net, and his Father threw the Net into the River, about two Yards from him; and that *Annesley* then came up and said, Damn your Blood deliver your Net or you are a dead Man, and fired directly; and that he shot him near the Bottom of the Belly on the left Side; that his Father said, You Rogue, what have you done, I am a dead Man; that he, the Witness, took a Knife out of his Pocket to cut the String of the Net from his Father's Arm, and leaped into the River, and dragged the Net to the other Side of the River, and that *Annesley* said, The Rogue has got his Net, let us go on the other Side: that he saw *Bettesworth*, *Fisher*, and *Bowles*, on the other Side of the River; and told them he believed his Father was dead; that they came over the River and advised him to get a Surgeon; upon which he went to one *Charles Cole*, but he did not come; that then he went for *Russel* the Constable, to search for the Prisoners,

and says they found the Prisoner *Annesley* in a Place about five or six Foot above the Floor, in an Out-house, upon some Rubbish: That they carried him to the Round-House; that he staid there all Night, and the next Day they carried him to *Hounslow*: He says the Gun was cock'd, but he cannot tell when he cock'd it: He says Sir *Thomas Reynell* came into *Hounslow* while they were there, and that by his order, they went to the *Grey-Hound* at *Laleham*; and that one *Lane*, *Chester's* Son in Law, offer'd him 100 l. a Year; that Mr *Annersley* said he had not 100 l. a Year to give him, for he had more to provide for; but he might have 50 l. a Year if he would not come against him; he said he had no Conversation with one *Duffell*, but that he had with *Dalton*; he says, he has sometimes dined at *Williams's* Table; and, that he did not tell *Paul Kenning*, he was to have 200 l.

The next Witness that is produced is *John Bettesworth*; he says that *Egglestone* and his Son were in *Sylvester's* Ground, on the other Side of the River, and he saw the Prisoners come out of *Redding's* Ground into *Sylvester's*, and when they were in the Middle of the Ground they run after them; he says, *Joseph Redding* was too nimble for *Egglestone's* Father, but whether he had him by the Collar he cannot say: he says, that the Gun went off soon after Mr *Annesley* came up to old *Egglestone*; he says, he saw the Smoak and Fire of the Gun; and came up soon after *Egglestone's* Father was shot. He says, he and *Fisher*, and *Bowles*, crossed the Water; and that *Annesley* and *Redding* run away; that *Egglestone* was not quite dead when he came over, but was not able to speak; and says, he saw the



the Net on the other Side of the River: he says, there was a Place in a Wash-house, about six Foot from the Ground; and there they found Mr *Annesley*; that it is a Place where they put Hoops and other Rubbish: he says, that when Mr *Annesley* was taken, he said, he wished to be kill'd, for being instrumental in the taking away an innocent Man's Life. That about half an Hour before this Accident happened, he saw Mr *Annesley* offer to shoot at a Crow.

*John Fisher* is call'd next; he says, he saw young *Redding* in the Ground with another Man; but cannot say that *Annesley* is the Man; and that he saw there, two Men running after *Egglestone* and his Son; that *Redding* laid his Hand, he thinks, on *Egglestone's* Shoulder; and there was a Sort of a Scuffle between them; and he that carried the Gun, carried it in a Form to shoot; and he that carried the Gun was very nigh *Egglestone* when the Gun went off: and he says, he saw *Joseph Redding*, and the other Man, go away; and he says, he was at this Time 169 Yards off. It seems the Ground has been measured, and that is the Reason they are so particular in it: he says, *Egglestone* had Money offered him in his hearing; he would have had a Hundred a Year; but Mr *Annesley* said, he could not give him an Hundred a Year, for he had other People to do for: But he would give him Fifty; and that *Egglestone* afterwards said, he would not sell his Father's Blood; and he said, that *Egglestone* afterwards told him, he believed the Gentleman did not do it wilfully; but that the Boy, being afterwards ask'd how he could swear against the Gentleman, when he had said he believed he did not do it wilfully; he said, he did not remember any

Thing of what he had said to him; and he says he has been in the same Story ever since the Accident happen'd, excepting that one Time.

The next Witness, Gentlemen, is *Samuel Sylvester*; and he says, when Mr *Annesley* came out of that Place, where he was found, he trembled very much; he says, he rents this Land of one *Sanders*, who took it of *Redding's* Father: he says, *Egglestone* used to work sometimes with his Father in the Business of a Carpenter, but that he has lived some Time at the *White-Horse* in *Pickadilly*.

This is the Substance of the Evidence for the Prosecutor.

The Prisoner Mr *Annesley*, in his own Defence, says, that he is very sorry for the Accident that has happened; that these Persons were poaching in the Manour that belongs to Sir *John Dolben*; that they did go up to them, but that you cannot suppose he had any Spight against a Man he never saw in his Life; he says that he had a Gun in his Hand, and that the Gun went off by Accident. The other Prisoner *Redding*, says, he is Game-keeper to Sir *John Dolben*; that he saw these Men Fishing, and went to take the Net, that he heard the Gun go off, and saw the Man fall down, and then he said to Mr *Annesley*, Lord bless me, I hope you have not killed the Man; and that it was done accidentally.

To prove their Case, they called the following Witnesses. The first is,

Mr *Staples*, he says, this is Sir *John Dolben's* Manour, and that he has held Courts there.

The next Witness, Gentlemen, was, *Thomas Burlingson*, and he proves a Deputation of the second of July 1741. from Sir *John Dolben* to *Joseph Redding* the younger,

younger, and thereby he is appointed his Game-keeper, to seize the Nets, &c. of any Person who shall destroy any Game, or Fish, in his Manour; and in the Book which is kept for the Entry of these Things for the County of *Middlesex*; it appears that the Entry was made the 29th of *January* 1741, which was before the committing of this Fact.

Then *Redding*, the Father of *Joseph Redding* is call'd, and he says, the Fishery belongs to *Sir John Dolben*, who is Lord of the Manour; that he let the Ground called *Hare Mead* to *Sanders*; and that the same is now in the Possession of *Sylvester*. That he himself was in *Chantry Mead*, (which is next to the *Hare Mead*), when this Accident happened: That when he came up to them, his Son said, he was afraid the Man was kill'd, and asked *Annesley* how he came to do it, to which *Annesley* answered, he did not think of the Gun's going off; he says, they seem'd very much troubled and concern'd; being asked the Position of the Gun when it went off, he says, Mr *Annesley* held the Gun in one Hand, and that it hung down by his Side.

The next Witness, Gentlemen, is *William Duffell*; and he says, that some Hours after the Accident happened, *John Egglestone* came into his House; and the Man that brought him to his House, desired him to speak the Truth; and the Account the Boy gave at that Time was, that *Redding* came up to his Father, and demanded the Net, and that his Father said he should not have it, and threw it into the River; that then Mr *Annesley* came up, and the Gun went off, and his Father was shot. He says that *Abraham Egglestone* particularly asked the Boy whe-

ther he saw Mr *Annesley* pull the Trigger of the Gun, and that he said he could not tell; that then he asked him if there were any Words between them, and he said, no; that then this Witness said, it was a strange Thing that Mr *Annesley* should shoot his Father, and have no Words with him: That being asked in what Manner the Gun was held, *Egglestone*, with a Stick which he had in his Hand, showed them in what Manner Mr *Annesley* held the Gun: He says the Stick was in his Hand, hanging down by his Side. He says that *Egglestone* then was asked, if he thought *Annesley* did it wilfully, and that he said he could not tell. Being asked as to the Boy's Character: he says he has but an indifferent Character; that he cannot speak in the Praise of him, and has heard his Father often complain of him.

The next Evidence is *John Dalton*; and he says, that the next Day after the Accident, he went to *Laleham*, and there *Egglestone* told him, he believed it was an Accident, and not done designedly. He says the Boy has but an indifferent Character, but believes he would not forswear himself.

The next Witness is *Richard Chester*, and he says, that he asked the Boy at *Laleham*, whether it was accidental or wilful; and that he said he believed it was an Accident; for he did not believe any Gentleman in cool Blood would designedly shoot another; he says he had a Whip in his Hand, and desired *Egglestone* to show him how Mr *Annesley* held the Gun; that he took the Whip in his Hand and showed him: That he held it in his Hand, hanging down by his Side; and he says he saw *Egglestone* speak to Mr *Annesley*.

*nesley*; that he shook Hands with him, and drank a Glas of Wine, and said he did not think he did it designedly.

Mr. *Paterfon* was then called, to prove what the Boy said before the Coroner; but his Examination being taken down in writing, I did not think proper to allow of Parole Evidence.

Then Mr. *King* the Coroner was called; and he produced the Minutes of the Depositions, taken the 4th of May at *Laleham*, before the Inquest. The Minutes have been read, by which it appears that *Egglestone* deposed, that as his Father and he were fishing in *Sylvester's* Ground, *Redding* came up, and laid hold of his Father, and demanded his Net, which his Father refused; that then *Annesley* came up and said, Damn your Blood surrender your Net, or you are a dead Man; that he held up his Piece against his Shoulder, and shot him directly: And his Father said, You Rogue, you have shot me, I am a dead Man. And, Gentlemen, his Deposition before the Coroner likewise says, that when he saw his Father was shot, he took his Knife, and cut the String of the Net; and that then Mr. *Annesley* went to strike him on the Head, with the butt End of the Gun. And he swears in his Deposition, that he was not offered any Money by any Body. Then they produced Mr. *Eusebius Williams*, and he says, *John Fisher* told him, that *John Egglestone* had said he did not believe Mr. *Annesley* killed his Father wilfully, but that it was done by Accident.

Then *James Belbune* is produced, and he says he saw the Body; that he examined and probed the Wound; and he says it was an Inch and an half below the Ridge of the Hip-Bone, and an Inch and

an half wide; and that when he put his Instrument downwards, it would not go in; but it would go in when the Probe was put upwards, or cross the Belly.

The next Witness is *John Perkins*; he says he opened the Body the 4th of May, to be inspected by the Coroner's Inquest; and there was a Wound an Inch and an half Diameter. He put in his Probe seven or eight Inches, and found the Wound a little horizontal, about an Inch and an half below the Hip-Bone; he says there were Blisters on the other Side of the Body, and they were four or five Inches higher than the Wound. Mr. *King* says, that Mr. *Giffard*, who is the Solicitor in this Prosecution, made Application to him to commit Mr. *Annesley* to *Newgate*; but he thought that was too severe, as Sir *Thomas Reynell* was a Justice of the Peace, and had taken sufficient Care of him.

*Paul Keating* says, he became acquainted with *Egglestone* at the *White Horse* in *Pickadilly*, which is kept by one *Williams*; and that he, at *Egglestone's* Desire, drew a Note of 200 l. for him, and that the Boy, *Egglestone*, took a Copy of it.

Gentlemen, this is the Evidence given in Behalf of the Prisoners; and there has been Evidence given, to support the Character of *John Egglestone*.

*John Gardener*, he says he has known him seven or eight Years,—that he is like other Boys, sometimes good, and sometimes indifferent, but he does not think he would forswear himself.

*Sylvester* was called again, to *Egglestone's* Character; he says he has known him about three Years, that he was sometimes given to play, but believes he would not forswear himself.



*William Palmer* says he has known him from a Child, and does not think he would forswear himself.

*Patrick Lawler* says, he has known *Paul Keating* since the 18th of *March*; that because he could not be supplied with Cloaths, as he expected, he was to swear, that the Earl of \_\_\_\_\_ was to give a Note to young *Egglestone*.

This is the State of the Evidence on both Sides.

Now Gentlemen, you are to consider, whether the Fact is Murder, Manslaughter, or Chance-Medley: Murder, Gentlemen, in Point of Law, is, when a Person kills another with express Malice and Design, or with implied Malice, as when it is without any Offence or Provocation, but if there is a sudden Fray, and in that Fray and heat of Blood, a Person is killed, that is Manslaughter; now there are several Things in the Course of the Evidence proper to come under your Consideration; you will observe that *Egglestone* swears *Mr Annesley* said, Damn your Blood deliver your Net, or you are a dead Man, and that immediately the Gun went off, and the Man was shot; if he let the Gun off designedly, if this was the Case, though on a sudden, he can be guilty of no less than Manslaughter; but then you will consider what different Things the Boy has said; he has declared several Times, he did not believe he did it designedly, and according to what the Surgeons say, it is not probable to me, that this Wound could be given in the Situation he says *Mr Annesley* was in; for the Wound goes upwards, and if he held his Gun as the Boy has said, the Wound could not have been as it is: Besides, that he is expressly contradicted in the Fact it-

self by old *Redding*, who swears he saw the Gun go off, and that it was hanging by *Mr Annesley's* Side. Gentlemen, as I said before, the Question you are to consider of, is, whether this is Manslaughter, or Chance-Medley in *Mr Annesley*; for as to *Redding*, he must certainly be acquitted; and as to Murder, I cannot think there is any Evidence to make *Mr Annesley* guilty of that; but as there was some hot Blood there may be Reason to consider, whether it is not Manslaughter; on the other Hand, if *Mr Annesley* was carrying his Gun by his Side, and it went off accidentally, then it will be Chance-Medley.

[Then the Jury having considered of their Verdicts, without going out of Court.]

*Clerk of the Arraignment.* Gentlemen of the Jury, are you agreed in your Verdicts?

*Jury.* Yes.

*Clerk of the Arraignment.* Who shall say for you?

*Jury.* Our Foreman.

*Clerk of the Arraignment.* *James Annesley*, hold up your Hand.—*Joseph Redding*, hold up your Hand.—Gentlemen of the Jury, look upon the Prisoners. How say you, is *James Annesley* guilty of the Felony and Murder, whereof he stands indicted, or not guilty?

*Foreman of the Jury.* Not guilty of Murder, but guilty of Chance-Medley.

*Clerk of the Arraignment.* How say you, is *Joseph Redding* guilty of the same Felony and Murder, whereof he stands indicted, or not guilty?

*Foreman of the Jury.* Not guilty of the Murder, but guilty of Chance-Medley.

*Clerk*

*Clerk of the Arraignment.* How say you, is the said *James Annesley* guilty of the Felony and Murder, wherewith he stands charged upon the Coroner's Inquisition, or not guilty?

*Foreman of the Jury.* Not guilty of the Murder, but guilty of Chance-Medley.

*Clerk of the Arraignment.* How say you, is the said *Joseph Redding* guilty of the same Felony and Murder, wherewith he stands charged upon the Coroner's Inquisition, or not guilty?

*Foreman of the Jury.* Not guilty of the Murder, but guilty of Chance-Medley.

*Clerk of the Arraignment.* How say you, is the said *James Annesley* guilty of wilfully shooting at *Thomas Egglestone*, against the Form of the Statute, or not guilty?

*Foreman of the Jury.* Not guilty.

*Clerk of the Arraignment.* Gentlemen of the Jury, hearken to your Verdicts, as the Court has recorded them. You say that *James Annesley* is not guilty of the Felony and Murder whereof he stands indicted, but is guilty of Chance-Medley.

You say that *Joseph Redding* is not guilty of the same Felony and Murder whereof he stands indicted, but is guilty of Chance-Medley.

You say the same upon the Coroner's Inquisition.

You also say that the said *James Annesley* is not guilty of maliciously shooting at *Thomas Egglestone*, against the Form of the Statute. And so you say All.

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